

15 December 2008

Dear Consultees,

Improving the Lives of Children in Scotland - are we there yet?

Consultation on the Scottish Government's response to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

If you work with children or work on their behalf, then you are promoting and supporting their rights.

Children's rights are relevant to everyone whose work impacts on children – including teachers, social workers, police officers, nurses, judges, town planners, GPs, Directors of local authority services, classroom assistants etc. All of these and more have an interest in ensuring that children are able to fully enjoy their right to play, their right to be healthy and happy, to learn new things and be looked after and nurtured whether they live at home or not. All of these are rights enshrined in the UN Convention on the Rights of the Child (UNCRC).

The UNCRC applies to all those aged under 18 in Scotland. It is an international law that recognises that all children and young people have rights.

The Scottish Government has made clear its commitment to the UNCRC and to promoting and supporting the rights of all children in Scotland as a key strand of its activity to improve outcomes for all.

On 3 October 2008 the UN Committee on the Rights of the Child issued a series of recommendations ('Concluding Observations') setting out where they believed the UK was falling short of ensuring the rights of all children. The full text of the Concluding Observations can be found here:

<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf>

The majority of the recommendations are of relevance to Scotland and the Scottish Government has committed to responding positively to them. You will see that in the vast majority of cases what we are doing in Scotland is already very much in keeping with the UNCRC, with the Committee's recommendations and with the Government's ambition to improve outcomes for all children.

We have prepared the attached table that shows the draft Scottish Government response to each of the recommendations from either the UN Committee or domestic NGOs and the Children's Commissioner. We are now asking all those who work for or with children to let us know:

- What do you think are the most important issues for priority action?; and
- Do you think the proposed response is proportionate and realistic?

This consultation will help us to prioritise actions as a result of the recommendations and gauge the response to activity already underway.

The attached table is very detailed. There are 142 numbered rows, each containing a recommendation and draft SG response. Most people will not have an interest in all of the recommendations. To make it easier to find the section you have an interest in, the table is broken up into a series of 'clusters' as follows:

- **Pages 1 – 5:** IMPLEMENTATION OF THE UNCRC
- **p6 – 11:** FAIRNESS AND EQUALITY
- **p12 – 15:** FREEDOM TO BE A CHILD
- **p16 – 22:** FAMILY LIFE AND CHILDREN IN CARE
- **p23 – 26:** CHILDREN AND YOUNG PEOPLE WITH DISABILITIES
- **p26 – 37:** HEALTH AND WELLBEING
- **p38 – 43:** EDUCATION AND PLAY
- **p44 – 48:** CHILDREN SEEKING ASYLUM
- **p49 – 51:** CHILD TRAFFICKING AND CHILD EXPLOITATION
- **p52 – 55:** YOUTH JUSTICE
- **p56 – 58:** MISCELLANEOUS ISSUES

Most will want to concentrate on their area of knowledge, expertise or interest. However, you should feel free to respond to as many or as few issues as you would like. Issues that are likely to attract more attention are:

- incorporation of UNCRC into Scots law (page 1, row 4);
- physical punishment (pages 14-15, rows 29-32);
- child protection (pages 15-18, rows 33, 36-39; pages 49-51, rows 121-125);
- looked after children (pages 18-22, rows 40-58);
- child poverty (pages 35-37, rows 89-95);
- Children seeking asylum and refugees (pages 44-48, rows 106-120).
- Age of criminal responsibility (page 52, row 127).

An electronic copy of this letter and its associated documents are available on the SG website at: <http://www.scotland.gov.uk/Consultations/Current>.

When responding, please make clear the row you are responding to (row number is in the first column). Responses should be sent to Tracy O'Hanlon at: tracy.o'hanlon@scotland.gsi.gov.uk.

Please call me (0131 244 7932), Tracy (0131 244 0789) or Joanna Mackenzie (0131 244 0707) if you have any questions or queries.

The closing date for this consultation is Monday 2 March.

We will also be running a series of consultation events – see below.

Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk



We will be running a series of events to allow an additional or alternative way to feed in your views. These are being organised, on our behalf, by the Scottish Alliance for Children's Rights and will be held on:

- Friday 30 January in **Glasgow** at the Menzies Hotel Kathleen Marshall
- Tuesday 3 February in **Dundee** at the West Park Adam Ingram
- Tuesday 10 February in **Edinburgh** at the Hilton Grosvenor Adam Ingram
- Fri 13 February in **Inverness** at the Ramada Kathleen Marshall

These events are primarily to give you the chance to have your say.

There will also be key note speeches from Minister for Children and Early Years, Adam Ingram MSP at the Dundee and Edinburgh events and Scotland's Commissioner for Children and Young People, Kathleen Marshall will speak at the Glasgow and Inverness events. There will also be other speakers, to be confirmed who will provide a specific focus for each event. For more information on these events, please email:

ChildrensRightsScotland@googlemail.com

Children and young people are being involved separately through a variety of activities. This work is being co-ordinated by Young Scot.

Many thanks for your contribution.



KIT WYETH
Children's Rights Team



Improving the Lives of Children in Scotland - are we there yet?

The Scottish Government's response to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

As set out in the cover letter for this consultation, the Scottish Government is committed to responding positively to the 2008 Concluding Observations which make a number of recommendations about how the UK can better implement the UNCRC. These recommendations are for the UK as a whole, but there is much within them that is relevant to Scotland.

The attached table sets out the Government's draft response to the recommendations. The table covers all the issues raised that are relevant to Scotland as well as those not included in the recommendations but which have been raised as concerns by Scottish NGOs, the Children's Commissioner or others. The table briefly describes the current SG position on each of the issues raised and puts forward a suggestion of what SG will undertake to do in future.

In recognising that there is considerable work still to be done, it is important to acknowledge the progress that has already been made to promote the rights of children in Scotland: Children seeking asylum now have equal access to higher and further education in Scotland; and SG is bringing forward legislation to end the remanding of under 16s in prison in Scotland. More generally, The *Getting it Right for Every Child* programme implements a common, coordinated approach across **all** agencies that supports the delivery of appropriate, proportionate and timely help to all children. It has at its heart an ethos that respects the voice of the child and their best interests.

This children's rights activity contributes positively to the Government's overall purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Beneath this purpose, there are a number of priorities in relation to children and young people as part of the Concordat with local authorities.

The Concordat sets out shared objectives and shared responsibilities between local and central government for the delivery of better outcomes for the people of Scotland and provides a National Performance Framework with which to measure performance. There are 15 national outcomes that cover all aspects of devolved responsibility in Scotland. Successful delivery of each of these will impact positively on the lives of children and young people but six have particular relevance to the UNCRC.

Below we have set out examples of where the UNCRC links to these national outcomes. This describes how current policies and priorities - that reach across the work of national and local government in Scotland and other statutory bodies - are contributing to addressing the concerns of the UN Committee, are helping to further support the rights of children in Scotland and ultimately are improving outcomes for all. The Scottish Government response to the Concluding Observations is therefore aligned with the Concordat, rather than in addition to it.

We are better educated, more skilled and more successful, renowned for our research and innovation (UNCRC articles 5, 13, 15, 17, 28, 29, 31, 32). Priorities in this area are to ensure that the education children receive is of the highest quality and relevance to the individual child and results in positive and sustained destinations – in work, training or further education. Scottish Ministers are committed to improving educational outcomes for all young people through Curriculum for Excellence – a curriculum which will provide all young people with opportunities to build skills for learning, skills for life and skills for work. This reflects the focus on skills set out in Skills for Scotland – a lifelong skills strategy for Scotland and through the development of the Early Years Framework.

Our young people are successful learners, confident individuals, effective contributors and responsible citizens (UNCRC articles 5, 12-15, 17, 23, 28, 29, 31). Linked to the first, a key focus of this outcome is to ensure that education develops these four capacities in all Scotland's children, regardless of where they are learning. The four capacities go beyond school and link to the way children interact with the world around them and how included and involved they are in making decisions affecting their lives. The development of a Youth Framework will be part of an interconnecting set of policy developments including Curriculum for Excellence and the Youth Justice and Early Years Frameworks and will be underpinned by the UNCRC. The implementation of We Can and Must Do Better particularly targets the need to ensure that Looked After children and young people and care leavers are able to achieve this outcome.

Our children have the best start in life and are ready to succeed (UNCRC articles 4-10, 18, 20, 21, 24, 26, 27, 31). An Early Years Framework is being developed that will set the long term direction of policy for children from before birth to age 8. It aims to achieve a shift from crisis management to prevention and early intervention and is based around four themes: building parenting and family capacity; creating communities that provide a supportive environment for children and families; delivering integrated services that meet the holistic needs of children and families; and developing a suitable workforce to support the framework.

We live longer, healthier lives (UNCRC articles 3, 11, 17, 19, 24, 25, 32-39). Better Health Better Care, the Scottish national strategy for health and wellbeing sets out a series of actions to support good health choices and behaviours amongst children and young people in areas such as diet, physical exercise, and sexual health. It also aims to address the link between early life adversity and poorer health in later life through initiatives such as Health for all Children, a surveillance, assessment and needs identification programme which enables access to intensive support for those with greater needs. It includes specific reference to incorporating health and wellbeing education as a key aspect in the new school curriculum and to tackling health inequalities. The Ministerial Task Force on Health Inequalities informed Better Health Better Care. The Task Force's report, Equally Well, is an ambitious and radical programme for change across all areas of government, highlighting the importance of early years as a key priority for effectively tackling health inequalities. The Equally Well implementation plan (published on 11 December), Achieving our Potential, and the Early Years Framework together form a long-term strategic approach to tackling inequalities in Scotland.

We have tackled the significant inequalities in Scottish society (UNCRC articles 2, 12-14, 22, 23, 27, 30). Inequalities take many forms but the key priorities related to UNCRC are to tackle child poverty and inequalities in access to services for looked after children, asylum and refugee children and children with disabilities. A Framework to tackle poverty and income inequality in Scotland called '*Achieving our Potential*' was published in November 2008. It represents a statement of intent from the Scottish Government and COSLA to work together in an entirely new way to ensure that more people in Scotland are able to share in a better, fairer way of life and able to contribute to increasing sustainable economic growth in our nation.

Where there are specific identified inequalities, such as in relation to those who have experienced the care system, we are implementing targeted measures to redress the balance. For children and young people who are not in employment, education or training (or are in danger of disengaging) – including those with additional support needs as a result of disability or learning difficulties; those with social, emotional and behavioural difficulties; those who have or are at risk of disengaging from school; young offenders, - the Scottish Government has concentrated more effort through *More Choices More Chances*.

We have improved the life chances for children, young people and families at risk (UNCRC articles 6, 9, 11, 18-21, 25, 26, 33-37, 39, 40). By tackling many of the issues highlighted above, the life chances of all children in Scotland should be improved particularly those in vulnerable groups e.g. looked after children and children with disabilities. The Early Years Framework will aim to improve outcomes for all children and families, but paying particular attention to identifying those at risk of not achieving positive outcomes and delivering effective prevention and early intervention to prevent risk becoming harm. Curriculum for Excellence will offer better educational outcomes for all young people and will provide more choices and more chances for those young people who need them. The publication of *These Are Our Bairns – guidance for community planning partnerships on how to be a good corporate parent* in September 2008, and the associated work to strengthen the corporate parent function across Scotland aims to assist all those who work with young people in the care system, and those who are responsible for the governance of those services, to understand their responsibilities and improve outcomes for the young people in their care. The expectation is that there should be no difference in the outcomes of children who have been in care and those who have not.

IMPLEMENTATION OF THE UNCRC					
No	UNCRC Article	2008 Concluding Observations	Recommendations from domestic NGOs and the Children's Commissioner, plus any general concerns	Scottish Government response	
1	Implementing 2002 Concluding Observations [A4]	7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the previous reports that have not yet - or not sufficiently - been implemented as well as those contained in the present concluding observations. In this context, the Committee draws the attention of the State party to its general comment No.5 (2003) on general measures of implementation of the Convention on the Rights of the Child.	Some of the issues raised in the 2002 Concluding Observations have now been addressed and were not raised in 2008. Where issues remain outstanding, the Scottish Government has set out below the action it will take to address them. The table also sets out how SG intends to address General Comment 5.		
2	Economic exploitation, including child labour [A32]	9. The Committee encourages the State party to withdraw its reservation to article 32 with respect to the Overseas Territories and Crown Dependencies.	The reservation is a reserved matter and not relevant to Scotland, but this recommendation offers the opportunity to address concerns about the regulation/monitoring of child employment in Scotland. Existing regulation of child employment in Scotland is not well used or effective.		
3	Definition of a child [A1]	-	<u>General concerns</u> Different legislation defines a child in different ways in Scotland and this does not fit with that in UNCRC in all cases – it is often 16. Having different ages in different legislation can be confusing.	<p>SG will:</p> <ul style="list-style-type: none"> Consider what changes may be needed to improve regulation/monitoring. Work through COSLA, with LAs and other stakeholders to develop proposals if required. These proposals will need to be proportionate and effective. <p>It would be a significant challenge to either bring the definition of a child into line with UNCRC or to introduce a single legal definition. The Scottish Government has no immediate plans to change the definition of a child in Scots Law. We are however concerned about the different levels of support that are available in certain circumstances for those aged u16 and those aged 16-17.</p> <p>SG will:</p> <ul style="list-style-type: none"> Consider what additional information could be produced to help clarify how a child is defined in Scots Law, eg a definitive legal guide to the various definitions of a child in Scots law, or the preparation of a leaflet on the age at which children can do things. Consider what can be done to ensure effective help and support for all under 18s, whatever their actual age. 	
4	Incorporation of CRC in domestic legislation [A4]	11. The Committee recommends that the State party continue to take measures to bring its legislation in line with the Convention. To this aim, the State party could take the opportunity given in this regard by the development of a Bill of Rights in Northern Ireland and a British Bill of Rights, and incorporate into them the principles and provisions of the Convention, e.g. by having a special section in these Bills devoted to child rights.	C19; SG should incorporate the UNCRC into domestic law.	<p>While some elements of the CRC are in Scots law eg Children (S) Act 1995, Standards in Scotland's Schools Act 2000, Education (ASL) (S) Act 2004, many are not.</p> <p>Ministers have indicated that they are not minded to incorporate the UNCRC into Scots law en bloc. They would rather consider things on an issue by issue basis linked to improving outcomes for children.</p> <p>Scottish Government officials (including Children's Rights team) have had initial discussions with UK Government officials about the proposed UK Bill of Rights. The forthcoming Green Paper is likely to include proposals on children's rights and to link those rights to the UNCRC.</p> <p>SG will:</p>	1

		<ul style="list-style-type: none"> Consider steps to help ensure that the rights of children are taken into account in Scots law, eg through rights proofing of legislation (and policy development), the possible inclusion of a statement on children's rights in Policy Memoranda accompanying SG Bills, or a possible duty on SG to promote and raise awareness of CRC. Continue to work with UK Government officials on the Bill of Rights as it develops to ensure the Scottish perspective is included/respected. 	
5	Co-ordination [A44]	<p>13. The Committee reiterates its previous recommendation that the State party ensures effective coordination of the implementation of the Convention throughout the State party, including locally, especially where local authorities have significant powers to determine their priorities and allocate budgets. To this end, the State party – in addition to ensuring that each of the jurisdictions has a well resourced and functioning coordinating body – could allocate responsibility for the coordination and evaluation of the Convention across the State party to a single, high-profile, mechanism.</p>	<p>Assign coordination of implementation of UNCRC to a body with adequate mandate and sufficient resources.</p> <p>There is commitment from the UK Government and the Devolved Administrations to maintain regular contact moving forward. An initial, official level, meeting was held in London in December 2008 and there is a commitment from all sides to hold quarterly discussions in order to maintain regular contact, share learning, experience and good practice and to discuss UK-wide issues. A meeting of Ministers from the UK Government and the Devolved Administrations on children's rights is also under consideration.</p> <p>In Scotland, the Children's Rights Team has the lead role for co-ordination of implementation etc. The expansion of the Team in May 2008 has meant additional monitoring and implementation capacity</p> <p>SG will:</p> <ul style="list-style-type: none"> Contribute to quarterly UK UNCRC meetings to help ensure regular monitoring and co-ordination of efforts to better implement the Convention. Develop an interim report on CRC implementation in Scotland for publication summer 2011.
6	National plan of action [A4]	<p>15. The Committee encourages the State party to adopt comprehensive plans of action for the implementation of the Convention in all parts of the State party, in cooperation with the public and private sectors involved in the promotion and protection of children's rights and based on a child right approach. In doing so, the State party should take into account the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A World Fit for Children" and its Mid-Term Review in 2007. The Committee also recommends that the State party ensure adequate budget allocations and follow-up and evaluation mechanisms for the full implementation of the plans of action to regularly assess progress achieved and identify possible deficiencies. These plans should pay special attention to children belonging to the most vulnerable groups.</p>	<p>This paper constitutes our plan of action for implementation of the CRC in Scotland. We will develop this into a set of priorities for action in conjunction with partners, including children and young people, MSPs and professionals working with and for children. This work is very much in keeping with the Scottish Government's commitments to the UNCRC and to improving outcomes for all children and young people in Scotland. SG is also committed to ensuring that the key principles and objectives of A World Fit for Children are a reality for all children and young people in Scotland.</p> <p>The paper has been prepared in keeping with existing SG initiatives and priorities, such as the Getting it right for every child (GIRFEC) programme (which has broadly similar objectives to the Every Child Matters set of reforms and is fully consistent with the UNCRC) and the Early Years Framework, the starting point of which is about giving all our children the best start in life.</p> <p>The paper also responds to paras 18 and 28-36 of General Comment 5 which call for a comprehensive review of domestic legislation and related guidance and the development of a national strategy rooted in the Convention. It constitutes the start of an on-going process to promote and support the rights of children in Scotland. Following consultation with children and young people and professionals working with and for them a final version of this paper will be approved by Scottish Ministers.</p> <p>SG officials are also working with counterparts from across the UK on a UK-wide plan of action. The format and focus of that plan of action have yet to be agreed.</p> <p>SG will:</p> <ul style="list-style-type: none"> Consult widely with partners and with children and young people on the development of a plan of action for Scotland. Prioritise and target initial implementation activity as it is not practical to consider this in all areas at once – we have limited human and financial resources. Work with officials in the UK Government and Devolved Administrations on the development of a UK-wide plan of action.
7	Independent	17. The Committee recommends that the State	SG should disseminate accessible The Scottish Commissioner is fully independent of the Scottish Government and accountable to the Scottish

	<p>human rights institution, with responsibility for promoting children's rights [A4]</p> <p>party ensure that all four established Commissioners are independent in compliance with the Paris Principles and mandated, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights. These bodies should be equipped with the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner so that the rights of all children in all parts of the State party are safeguarded. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.</p>	<p>Information and child friendly guidance on the roles of the different independent human rights institutions in Scotland, at the same time promoting human rights in positive, enlightened ways;</p> <p>Role of Scottish Parliament must be to ensure that SCCYP and other Human Rights Commissions / Commissioners are adequately resourced to perform their statutory duties, and must, not be subject to interference that might compromise their independence;</p> <p>Scottish Parliament should ensure that the remit of SCCYP complies with the Paris Principles</p> <p>CC1: SG should ensure Commissioner is compliant with the Paris Principles.</p> <p>CC2: SG should ensure Commissioner is accountable to the Scottish Parliament.</p> <p>CC3: SG should allow Commissioner to exercise their functions with respect to the children in Scotland regardless of the subject matter.</p> <p>CC8: Commissioner's remit should be extended to allow her to require a response within a specific time frame and to require the production of documents outwith the scope of a formal investigation.</p>	<p>Parliament. They are able to establish their own workplans and priorities and to carry out formal investigations (although not to investigate individual cases/complaints).</p> <p>Resources for the Commissioner and her office are agreed annually between the Commissioner and the Scottish Parliament.</p> <p>SG will have no say at all in the appointment of the new Commissioner who will take up post in April 09 – this is a matter for the Scottish Parliament.</p> <p>The Scottish Parliament is currently carrying out a review of the Commissioners and other bodies for which it is responsible. This is in response to a call from the Scottish Government for a reduction in the number of scrutiny bodies in Scotland. As part of the Parliaments review, the Scottish Parliament Corporate Body has recommended that the role of Children's Commissioner is put together with that of the Scottish Commission for Human Rights within a single, new "rights body". It is not yet apparent whether the Parliament will adopt these proposals and move towards a single body or what impact this will have on the role of Children's Commissioner in Scotland.</p>
8	<p>Allocation of resources [A4]</p>	<p>19. The Committee recommends that the State party, in accordance with article 4 of the Convention, allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating poverty and reduce inequalities across all jurisdictions. In this endeavour, the State party should take into account the Committee's recommendations issued after the Day of General Discussion devoted to "Resources for the Rights of the Child - Responsibility of States" on 21 September 2007.</p>	<p>Ensure that disaggregated data is collected on all persons under 18 for all areas covered by UNCRC as well as undertaking sectoral budgetary scrutiny and analysis of resources expended on persons under 18.</p> <p>Publish annual reports containing disaggregated data and budgetary information for public and parliamentary debate.</p> <p>CC15: SG should be required to identify their spending on children.</p> <p>CC16: SG should evaluate the impact of their spending on children.</p> <p>CC17: SG should end the use of short term funding for children's services</p> <p>CC18: SG should ensure there is transparent analysis of the way in which resources are allocated.</p>
			<p>SG will:</p> <ul style="list-style-type: none"> Engage with the SPCB as it develops proposals for the bodies for which it is responsible, to help ensure that the rights of children will be promoted and supported effectively whatever decisions are taken about the establishment of a single rights body or otherwise. Once decisions are taken about the future role of a Children's Commissioner, prepare and disseminate information and child friendly guidance about it. Maintain regular contact with the Commissioner at both Ministerial and official level. <p>SG has traditionally proved difficult to collect data to the detailed level requested by the UN Committee and to link the data that is available directly to UNCRC requirements. For example, it is not possible to split out spending on children from adults on services such as GPs which are community based.</p> <p>Much of the data we do have comes from local authorities – the shift to the National Performance Framework and National Outcomes will mean a shift in what is collected. LAs will continue to provide information required by statute and what is required to monitor progress towards delivering outcomes as part of their Single Outcome Agreement.</p> <p>SG has no plans to collect data outwith SOAs etc, as has been agreed with Costa and LAs. While we will still collect some information on inputs (such as teacher numbers, number of social workers etc) the focus on outcomes means that SG will no longer collect input data, including the amount of spend on specific issues. We do not believe that input measures are an appropriate mechanism through which to establish the impact of policies on service users, e.g. a fall in spending could be a result of doing things better or reduced demand could be a "good thing" eg reduced need for secure accommodation.</p> <p>SG will:</p> <ul style="list-style-type: none"> Look in detail at what is being collected on SOAs and through Local Government Finance Returns and consider how this can inform implementation of/compliance with the CRC – have begun this

		CC20: SG should monitor new local government funding arrangements and take account of the Government's obligations under the UNCRC – particular article 4	process as part of the Save the Children Indicators event in June 2008.
9	Children's Rights Impact Assessment [A42]	C11 SG should carry out children's rights impact assessments of all legislative and policy developments that affect children.	<p>SCCYP model has already been used by some Scottish Government officials. Experience suggests (eg with the roll-out of equality impact assessment) that there may well be reluctance/ resistance to using the tool across SG. The Children's Rights Team does not have the resources to offer an impact assessment service.</p> <p>SG will:</p> <ul style="list-style-type: none"> Consider the use of CRIAs by SG staff in developing policy and legislation. We will look at the experience of those who have used the SCCYP tool and consider whether/how we should adapt the SCCYP model to make it relevant/ appropriate for SG use. Consider an initial limited roll-out to CYPSC and schools directorate with a view to learning lessons and considering plans for wider usage.
10	Dissemination of CRC [A42]	21. The Committee recommends that the State party further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike, SG should develop and resource a comprehensive strategy for disseminating knowledge on human rights with particular emphasis on UNCRC and ECHR throughout Scotland; CC12. SG must take steps to raise awareness of the Convention and produce accessible information about children's rights.	<p>Neither the UK or Scottish Government's are under a statutory duty to disseminate information about the Convention and little has been done. As a result there is very limited knowledge of the CRC amongst Scottish children, parents or general public.</p> <p>The Scottish Government is fully committed to making this recommendation a reality. Have already started by making all SG publications on 2007-08 reporting process widely available and through preparation of children and young people's versions. SG has also worked with SCCYP to produce new booklet and poster for CYP on their rights and the CRC.</p> <p>SG will:</p> <ul style="list-style-type: none"> Take forward the existing wide ranging programme of awareness raising activities (developed and agreed with partners) aimed at promoting awareness of the CRC, the CoS and children's rights more widely, for example the development of a website. Consider what more can be done to and how we can best meet the challenge of maintaining momentum in areas where work is underway and beginning work in others. In developing proposals, consider the comments in paras 66-70 of General Comment 5 on making the Convention known to adults and children. Ensure that we make links to human rights more broadly and ECHR in promotional materials and activities.
11	Education about CRC and children's rights [A42]	21. Including the Convention in statutory national curriculum and ensure that its principles and values are integrated into the structures and practice of all schools.	<p>There is no statutory school curriculum in Scotland. The Curriculum for Excellence describes a range of experiences and outcomes young people should achieve but does not prescribe specific topics to be taught. The UNCRC is not referenced explicitly in new curriculum guidance, but human rights and UNCRC can be taught as part of the cross-curricular theme of education for citizenship which is an entitlement for all children and young people. Education for citizenship encourages children and young people in Scotland to explore their rights and responsibilities emphasising the key idea that they are 'citizens of today' and not 'citizens in waiting' which is linked to the UNCRC which states that children are born with rights.</p> <p>There are also many opportunities within curriculum subjects to teach human rights and the UNCRC. The following are a few examples:- social studies 3-18, Religious Moral Education 3-18, health and wellbeing 3-18, National Qualifications in Care: supporting children's rights, Modern Studies and History.</p>

		<p>More broadly, the principles and purposes of Curriculum for Excellence place the involvement of children and young people in their learning at the heart of its' development. Pupil/learner voice is also central to <i>Assessment is For Learning, Determined to Succeed and Better Behaviour, Better Learning</i>. Her Majesty's Inspectorate of Education's Journey to Excellence references the direct involvement of children and young people in their learning in 5 of the 10 dimensions described.</p> <p>Learning and Teaching Scotland (LTS) are in the process of gathering information from teachers and young people in schools about what support and guidance might be most useful to them in facilitating continued learning about the UNCRC. It is expected that the final outcome of this process will be a series of online support materials for teachers exemplifying good practice. LTS are also building a national 'community of practice' in participation and pupil voice to support teachers in developing their practice within the context of Curriculum for Excellence.</p>
		<p>SG will:</p> <ul style="list-style-type: none"> Consider what more can be done to promote a rights-based ethos within schools, building on the good work that is already being done by, for example, the Children's Parliament and the UNICEF Rights Respecting Schools Award scheme. Work across Government to consider how UNCRC can be linked into Curriculum for Excellence and schools more broadly in future. SG will look to engage with external stakeholders to consider/develop options. Any changes will need to fit with developments/policy on the Curriculum for Excellence.
12	Professional training about CRC and children's rights [A42]	<p>SG must ensure that there is a single integrated approach to children's rights training, and ensure that such training on the UNCRC is mandatory for all people in Scotland whose work involves children, from the most senior judges and police officers to nursery staff and classroom assistants in all schools. (including those in the independent sector)</p> <p>SG should introduce without delay the UNCRC and other human rights training to the Teacher training curricula.</p> <p>CC14 SG should ensure that all those working with children and young people involved in policy development receive training in children's rights.</p>
13	Cooperation with civil society [A4]	<p>23. The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs and associations of children, in the promotion and implementation of children's rights, including, inter alia, their participation in the planning stage of policies and cooperation projects, as well as in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.</p>

PARTICIPATION AND EQUALITY				
No	UNCRC Article	Concluding Observations	SACR, Article 12 or SCCYP recommendations	SG response
14	Non-discrimination [A2]	25. The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by: <ol style="list-style-type: none"> taking urgent measures to address the intolerance and inappropriate characterization of children, especially adolescents, within the society, including the media; 	<p>SG should launch a campaign across all areas of the media, and particularly media used by young people, to address both the overt and covert discrimination experienced by indigenous minorities such as gypsy/travelers and new immigrants, particularly Eastern European immigrants.</p> <p>SG should launch a media campaign, particularly in media used by CYP, to address the negative attitudes towards LAC.</p> <p>Tackle unduly negative public and media images of young people, and promote ways of involving them in initiatives to improve their communities.</p> <p>CC27: SG should put in place strategies to tackle the discriminatory treatment and predominantly negative views of children and young people</p>	<p>The Scottish Government accepts that more needs to be done to challenge negative media perceptions of children and young people and to recognize the positive contributions that many make within their families, schools and communities.</p> <p>SG works closely with voluntary sector organisations such as Young Scot, the Scottish Youth Parliament and YouthLink to promote positive perceptions of young people and to engage them in the decision making processes at a local and national level. We proactively encourage the celebration and recognition of young people's achievements in Scotland. Earlier this year the Scottish Government supported the Young Scot Awards hosted by the Sunday Mail, in partnership with Young Scot and Lloyds TSB, which recognised the positive contribution young people are making to their communities.</p> <p>Young Scot Active is a new and ambitious proposal to engage all young people and giving them more opportunities and information to help them be successful learners, confident individuals, responsible citizens and effective contributors. One of the six key outcomes is to work with a wide range of partners (including young people themselves) to address unfair negative media reporting about young people.</p> <p>We launched <i>Preventing Offending by Young People, a framework for Action</i> on 19 June. The Framework outlines the need to challenge and change the misrepresentation of young people and offending, especially through the media.</p> <p>SG is also taking forward a review of the national antisocial behaviour strategy. An important part of that review will be to consider ways in which to counter negative stereotyping of young people and promote positive perceptions in communities.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Include National Actions and Local Recommendations in the findings of the review of national antisocial behaviour policy aimed at improving the way national and local agencies communicate and engage with young people on antisocial behaviour issues. • Work with stakeholders to develop a governance structure for delivery against the Youth Justice Framework.
15	Non-discrimination [A2]	25. The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by: <ol style="list-style-type: none"> strengthening its awareness-raising and other preventive activities against discrimination and, if necessary, take affirmative actions for the benefit of vulnerable groups of children, such as: Roma and Irish Travellers; children: migrant, asylum-seeking and refugee children; lesbian, bisexual, gay, and transgender children (LGBT); children belonging to minority groups; <p>Children belonging to a minority or an indigenous group [A30]</p>	<p>SG must tackle racism and discrimination against the Gypsy/Traveller community in the media and in the general population in the same way as it is dealt with in respect of other minority ethnic groups, and Gypsy/Travellers must be given a higher profile in anti-discrimination campaigns</p> <p>CC21: SG should monitor situation of children vulnerable to discrimination, in particular, children with disabilities, children from poor families, gypsy and traveler children, asylum seeker and</p>	<p>The Scottish Government recognizes concerns about the lack of progress in improving the situation of minority groups in Scotland, for example for asylum seekers and Gypsies/ Travellers..</p> <p>SG has taken steps to ensure asylum seeker young people have the same rights to further and higher education as other Scottish young people.</p> <p>Equality legislation is reserved, but SG has statutory duty to promote racial, disability and gender equality and to produce schemes setting out how we will eliminate inequalities or discrimination on these grounds. An Equality Impact Assessment toolkit should be used as a matter of course during development of all policy and legislation. The Equality and Human Rights Commission has a role in monitoring implementation of equality duties across the public sector.</p> <p>SG supported the LGBT Hearts and Minds Agenda Group which reported in February 2008 with proposals</p>

	<p>refugee children, children belonging to minority groups, children in care, detained children and children aged between 16 and 18 years old.</p> <p>CC22: SG must monitor the comparative enjoyment by children of their rights.</p> <p>CC23: SG should develop, on the basis of such monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.</p>	<p>for challenging prejudice against LGBT people, including young people. SG responses published November 2008, setting out action that will be taken to support LGBT people and communities and challenge prejudice and discrimination, including against young people.</p> <p>SG will:</p> <ul style="list-style-type: none"> • SG will take steps to ensure awareness about the needs of all vulnerable groups is taken into account in developing policy and will take action where required if discrimination is in evidence. • Publish a race equality statement in December 2008 which will include a number of actions to improve the position of Gypsies/ Travellers, and children and young people in particular. • Develop the next stage of the One Scotland, Many Cultures campaign, which has previously featured a radio ad and press platforms about Gypsies/ Travellers. We will take the views of young Gypsies/Travellers into account in developing this.
16	<p>Non-discrimination [A2]</p> <p>25. The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by:</p> <p>c) taking all necessary measures to ensure that cases of discrimination against children in all sectors of society are addressed effectively, including with disciplinary, administrative or – if necessary – penal sanctions.</p>	<p>Article 14 of ECHR, which prohibits discrimination on grounds such as sex and race in the enjoyment of the rights and freedoms set out in the Convention, is legally enforceable in the Scottish courts through the incorporation of the ECHR into Domestic law in Scotland through the Human Rights Act and the Scottish Act. This means that actions of Scottish public authorities, including the SG, and also legislation by the Scottish Parliament, which breach Article 14 can be ruled to be unlawful by the courts and give rise to damages.</p> <p>When people win a discrimination case, whether about employment, access to goods or services, or the exercise of a public function, then the guilty party may have to pay damages.</p> <p>There is a great deal of anti-discrimination legislation, covering race, gender, disability, sexual orientation, religion, age and gender identity. However, the provisions across legislation are different.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Work with UK Government officials on the development of an expected Equality Bill at Westminster early in 2009 to ensure that any Scottish issues or concerns are taken into account. The Bill is intended to rationalize and harmonize the legislation, across the board for children with disabilities and to ensure that their rights are promoted and supported.
17	<p>Non-discrimination [A2]</p> <p>Education</p>	<p>LA's and other bodies must receive additional funding from SG to ensure that care and support is provided to disabled children /children with ASN in a way that recognizes the rights, needs and aspirations of the individual and takes full account off the views of the child as well as the parents.</p> <p>Any measures to address child poverty by the UK/Scottish Govts must consider the specific needs of disabled children/children with ASN and their families, as well as the need to address poverty among disabled parents.</p> <p>CC24: SG should investigate the barriers to adequate education for Traveler children and take corrective action as a matter of urgency.</p>

		<p>Independent government-funded charitable body making small grants to families with severely disabled children. These grants average around £400-500, and make substantial improvements to children's quality of life where existing services cannot quickly meet an urgent need."</p> <p>SG has provided funding to the Scottish Traveller Education Programme (STEP). The objectives are: raise awareness of the diverse histories, cultures and life-styles of Scotland's Travelling communities; to support, advise and engage with Gypsy and Traveller families, relevant professionals and practitioners, to ensure access to education services; and to contribute to the effective delivery of a relevant education for all children and young people with interrupted learning experiences.</p>
		<p>SG will:</p> <ul style="list-style-type: none"> • Following the passage of the ASL amendment Bill through Parliament, the secondary legislation and supporting children's learning code of practice will be amended subject to approval from Scottish Parliament to provide parents and young people with more rights of appeal in respect of procedural local authority timescale failures. • Ensure that disability issues are a key part of SG work on child poverty. For example, SG will publish a Poverty Framework in late 2008 following a period of discussion and engagement with key poverty stakeholders and people who are living in or have experienced poverty. This will include families with disabled children. • Reflect on the comments from the UN Committee and NGOs and consider commissioning some research to examine the reality about discrimination against children with disabilities at present • Provide funding for the development of a Virtual Learning Environment which will support the learning of children and young people who are Travellers.
18	Best interests of the child [A3]	<p>27. The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legislation and policies which have an impact on children, including in the area of criminal justice and immigration.</p> <p>Sentencing decisions in Scotland are entirely a matter for the sentencing judge, who hears all the facts and concern that a child's best interests are not considered in sentencing children or in prison visiting rights. SG has made clear its commitment to making the best interests of children, individually and collectively, paramount. This is reflected in a range of legislation, including on the Children's Hearing system, ASL, looked after children, adoption and fostering. The <i>Getting it right for every child</i> programme promotes a focus on children's best interests and involvement of children and their families by practitioners in fulfilling statutory obligations and in policy development.</p> <p>We do however want to see greater consistency and transparency in the decisions of our courts and we believe that Government has a responsibility to ensure that Scotland has the appropriate framework in place to promote fairness and justice in sentencing. We recently ran a consultation with proposals for a Sentencing Council for Scotland which would develop a system of sentencing guidelines. We are currently considering the responses to the consultation.</p> <p>The Scottish Government is committed to promoting and support the needs, rights and best interests of asylum seeker children. We have made progress and are committed to maintaining momentum through ongoing close links with UK Border Agency and ensuring they are aware of SG perspective.</p>

		<p>The Youth Justice framework, published in June 2008, commits national and local agencies to support the wider needs, rights and best interests of children and young people who offend, or who are at risk of offending.</p> <p>SG is committed to keeping children out of adult prisons and in February 2008 we announced plans to abolish unruly certificates, which allow children aged 14 and 15 years appearing on a charge before a criminal court to be remanded in prison custody.</p>
		<p>SG will:</p> <ul style="list-style-type: none"> Work to ensure best interests taken into account in any new legislation, through work of Children's Rights Team and possible use of CRIA. Proposed amendments to ASL Act include increased parental rights in respect of access to Additional Support Needs Tribunals of support best interests of child. Work with the UKBA on the development of a Code of Practice on keeping children safe from harm and new statutory duty on UKBA staff to promote the welfare of children to ensure it takes full account of the Scottish context. Provide grant funding until March 2010 to support Families Outside which helps prisoners' families get the information and support they need. Continue its input to the SPS project looking at the rights and responsibilities of all its stakeholders including children and families.
19	Right to life, survival and development [A6]	<p>29. The Committee recommends that the State party use all available resources to protect children's rights to life, including by reviewing the effectiveness of preventive measures. The State party should also introduce automatic, independent and public reviews of any unexpected death or serious injury involving children – whether in care or in custody.</p>
20	Right to life, survival and development [A6]	<p>31. The State party should treat Taser guns and AEPs as weapons subject to the applicable rules and restrictions and put an end to the use of all harmful devices on children.</p>

		<p>approved training course in the use of the device. Where an authorised firearms officer discharges a weapon in the course of duty a report is sent to the Procurator Fiscal.</p> <p>SG notes that the UN Code of Conduct for Law Enforcement Officers does not preclude the use of firearms against children in extremis.</p>
21	Respect for the views of the child [A12]	<p>33. The Committee recommends that the State party, in accordance with article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the Day of General Discussion on the right of the child to be heard in 2006:</p> <ul style="list-style-type: none"> a) promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child; <p>To make Article 12 a reality for all, SG should look towards extending support beyond the traditional forms of participation.</p> <p>SG should enshrine in law the right to independent advocacy for all LAC including those in secure accommodation</p> <p>CC29 SG should implement a rights-based framework for participation and the involvement of children and young people in decision making.</p> <p>CC30: SG should ensure children are informed of their participation rights.</p> <p>CC31: SG should recognize and fully implement children's rights to participation in education settings, in legal proceedings, in health care and in the care system.</p> <p>CC33: SG must develop and fund a comprehensive national advocacy strategy</p> <p>CC34: SG should provide independent advocacy to children. Priority should be given to providing an independent advocate to all disabled children living away from home and to all looked after children.</p> <p>The central ethos of the Children's Hearings System is the effective participation of children to enable their views and opinions to be heard by panel members and to ensure their needs are properly understood and addressed.</p> <p>There are duties in existing legislation to ensure that the voice of the child is heard, for example the ASL Act places a duty on LAs to actively seek and take account of views of child. The Children (Scotland) Act 1995 places a duty on the court to encourage and consider, depending on age and maturity, the views of a child when making a decision in relation to parental responsibilities and rights. Further, the Act places the same duty on those exercising parental responsibilities and rights.</p> <p>Moreover, GIRFEC promotes putting the child at the centre; by listening to children and young people and involving them in decisions that affect them as a key principle and value for practitioners.</p> <p>No coherent national plan exists for the provision of advocacy support and the Children's Rights Team is carrying out initial scoping work to look at what current exists, what gaps there are etc. The SG is a core funder of Who Cares? Scotland, which provides a range of services to children and young people in care. As well as providing advocacy and support to young people, Who Cares? Scotland consults with young people and encourages policy makers to consider young people's views.</p> <p>The SG also core funds the Scottish Throughcare and Aftercare Forum, which aims to improve support for young people leaving care. The Debate Project – a young person's consultative group that has evolved under the auspices of the Scottish Throughcare and Aftercare Forum – aims to empower young people who are currently leaving care or have already left by letting them know that they have a voice and giving them the opportunity to share their experiences with a view to improving the leaving care system for other young people in the future. The SG funds other small projects on an ad hoc basis that allow young people to have their voices heard through creative means.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Keep the situation under review.

		<ul style="list-style-type: none"> • participate in the development of policy and legislation (and are consulted at appropriate stages as things develop) and that the voice of the child is taken into account in relevant legislation brought forward by SG. • Continue to proactively engage CYP in the decision making process and support the work of LAs and voluntary organization to do the same at a local and thematic level. For example, SG is currently developing a youth framework to support the potential of young people in Scotland. Participation and engagement will be a significant part of the framework and young people in Scotland were consulted on the early stages of its development. As part of this, will be looking at how we can more effectively engage with harder to reach groups. • Work with external partners to produce child-friendly information on the participation rights of children and young people in Scotland, both in general and for those in specific circumstances such as looked after children and disabled children. • Work across Government and with external colleagues to agree priorities for advocacy and to prepare a national plan of action to improve the quality, consistency and availability of advocacy support. • Examine the need to help build up advocacy capacity for parents at Additional Support Needs Tribunals as part of funding being provided in 2008-9 to two advocacy groups to advocate for these parents. 	
22	Respect for the views of the child [A12]	<p>33. The Committee recommends that the State party, in accordance with article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the Day of General Discussion on the right of the child to be heard in 2006:</p> <p>b) support forums for children's participation, such as the UK Youth Parliament, Funky Dragon in Wales and Youth Parliament in Scotland.</p>	<p>SG will:</p> <ul style="list-style-type: none"> • work with Young Scot to develop, with CYP, a youth legacy for the Commonwealth Games 2014. • support the Young Scot Active initiative (in partnership with COSLA and Young Scot), which, has within its six key outcomes "impacts"; to "increase participation levels in projects, activities and decision making processes, and to " support young people as capacity builders and activists. • work within Government and with partners to identify, encourage and support opportunities to engage CYP in decision making processes <p>The Scottish Government's external partners group on children's rights provides a useful forum for the exchange of views and ideas on a range of issues including participation.</p> <p>See the response to rows 21 and 22 above for the ways in which SG will support and encourage better engagement and increased participation with CYP.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Continue to work closely with individual organisations such as the Scottish Youth Parliament, Article 12 in Scotland, the Children's Parliament, Young Scot and others as we develop plans for more and better participation of children and young people in the development of policy and legislation.
23	Respect for the views of the child [A12]	<p>33. The Committee recommends that the State party, in accordance with article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the Day of General Discussion on the right of the child to be heard in 2006:</p> <p>c) continue to collaborate with civil society organizations to increase opportunities for children's meaningful participation, including in the media.</p>	

FREEDOM TO BE A CHILD					
No	UNCRC Article	Concluding Observations	SACR, Article 12 or SCCYP recommendations		SG response
24	Freedom of association and of peaceful assembly [A15]	35. The Committee recommends that the State party reconsider the ASBOs as well as other measures such as the mosquito devices insofar as they may violate the rights of children to freedom of movement and peaceful assembly, the enjoyment of which is essential for the child's development and may only subject to very limited restrictions as enshrined in article 15 of the Convention.	SG must amend the ASB etc (s) Act 2004 to reflect the terms of A15(2) UNCRC and to take account of A11 of ECHR. More should be done by SG, police and LAs to encourage tolerance of non-criminal behaviour by children and positive recognition of the contribution children can make to their communities.	Ministers are concerned about the use of mosquito devices and have asked officials to examine the issue, including exploring human rights, health impacts and a range of legal issues. ASB review currently looking at operation of 2004 Act, including impact on children. Through the review, we are looking to ensure that the rights of children are fully considered (alongside those of communities) in ASB practice eg on things like the use of Dispersal Orders. SG published <i>Preventing Offending by Young People – A Framework for Action</i> in June 2008. The Framework will work together with local and national agencies to prevent, divert, manage and change offending behavior by children and young people. It outlines to need to challenge and change the misrepresentation of young people and offending.	SG will: <ul style="list-style-type: none">• Consider next steps on the mosquito once examination of issues by officials is complete.• Revise guidance on ASB issues in light of review findings.• Work through the Youth Framework, currently being developed with partners, to counter negative stereotyping of children and young people and promote positive perceptions in communities. The Scottish Government is committed to ensuring that children's privacy is properly protected.
25	Protection of privacy [A16]	37. The Committee recommends that the State party: a) ensure, both in legislation and in practice, that children are protected against unlawful or arbitrary interference with their privacy, including by introducing stronger regulations for data protection;		National Care Standards require children within care homes to have privacy, eg private telephone calls and space to meet family/friends. In addition a consultation on a revised schedule to the Looked after Children regulations is underway, including the scope to improve arrangements for the storage of personal info is being consulted on. The consultation closes on 19 January. Data protection is reserved but SG can provide guidance, systems that make it more likely that rules will be followed.	SG will: <ul style="list-style-type: none">• Work under the <i>Getting it right for every child</i> programme to facilitate electronic sharing of information between professionals working with children in a safe and secure environment by developing an eCare Framework, set up so that information can only be shared with consent of children and their parents, other than where compelling child protection concerns justify dispensing with consent, and where any such sharing is only done where there is a clear justification for it.• Look closely at guidance from the National Archive due in 2009 on the content and retention of personal information and reflect on whether further changes are required.

26	Protection of privacy [A16]	<p>37. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> b) intensify its efforts, in cooperation with the media, to respect the privacy of children in the media, especially by avoiding messages publicly exposing them to shame, which is against the best interests of the child; 	<p>SG wants to ensure that children are only identified in the media when it is appropriate and that their privacy is properly protected. SG does not believe that ‘shaming’ children in the press is in the best interests of children or that is an effective way of changing behaviour.</p> <p>The legislation that underpins the children’s hearings system ensures complete anonymity for all children involved. There is also complete anonymity for children under 16 who appear on a charge before a criminal court.</p> <p>SG will:</p> <ul style="list-style-type: none"> • There are no plans to make changes to the current legislation which protects the privacy of children in Scotland. SG will ensure that children continue to be protected and privacy maintained.
27	Protection of privacy [A16]	<p>37. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> c) regulate children’s participation in TV programs notably reality shows, as to ensure that they do not violate their rights. 	<p>There is legislation in place to ensure that certain rights are protected for children on TV, such as the Children (Performances) Regulations and the Children and Young persons (Scotland) Act which regulate the number of hours a child may work.</p> <p>The Scottish Parliament cannot legislate in respect of the privacy of children on TV shows such as reality shows as this is a reserved matter.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Explore with the UK Government what plans it has to better support the rights of children involved in TV shows. • Consider, in partnership with Scottish Screen whether we can produce guidance for the parents/guardians of children on TV shows to help ensure they protect the rights and interests of their children. <p>Restraint on children is only permitted and used as a last resort in Scotland. The law on restraint is set out in paragraph 4 (1) (c) of the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002. Further guidance for managers and practitioners about physically restraining children and young people can be found in Holding Safely, a handbook published by the Scottish Institute for Residential Child Care.</p> <p>Physical restraint must not be used for disciplinary purposes. The 2002 Regulations referred to above state that no service user should be subject to restraint unless it is the only practicable means of securing the welfare of that or any other service user and there are exceptional circumstances.</p> <p>There are no particular approved methods of restraint, but through its regular inspections, the Care Commission ensures that appropriate staff training in de escalation and physical restraint is in place and it also looks at the extent to which the guidance set out in Holding Safely has been implemented.</p> <p>Protecting children and young people in residential care: are we doing enough? – a review of practice in residential care for young people concerning protecting children, planning for their care and using physical restraint – was published by the Care Commission in March 2008. The review made recommendations on improving practice in de-escalation and restraint and on recording the use of physical restraint.</p> <p>Each secure care provider has policies and procedures on personal searches and isolation. Providers are required by the 2002 Regulations to keep a record of any occasion on which restraints or control – and this includes personal searches and isolation – has been applied to a user, with details of the form of restraint or control, the reason why it was necessary and the name of the person authorising it. The Care Commission considers these records at inspection.</p>
28	Right not to be subjected to torture, cruel/ inhuman/ degrading treatment or punishment. [A37a]	<p>39. The Committee urges the State party to ensure that restraint against children is used only as a last resort and exclusively to prevent harm to the child or others and that all methods of physical restraint for disciplinary purposes be abolished.</p> <p>CC39: SG should ensure that restraint against children is used only as a last resort and only to prevent harm to the child or others. Pain distraction techniques should not be used on children.</p> <p>CC40: SG should ensure that inappropriate strip-searching and segregation are not used in secure establishments holding children.</p>	

		<p>SG will:</p> <ul style="list-style-type: none"> • Work with partners (The Care Commission, the Scottish Institute for Residential Childcare and practitioners) to ensure that guidance on restraint is current and continues to reflect good practice. • With specific reference to restraint, single separation and searches in secure settings, SG will work with partners to have good practice enshrined in Care Standards for secure care and this will be reflected when providers are inspected. 	
29	Corporal punishment [A37a]	<p>SG should undertake legal reform as a matter of urgency. The CJ (S) Act 2003 should be amended without delay to make any form of physical violence against an u18 a criminal offence and the defense of "reasonable chastisement" removed.</p> <p>CC36 SG must provide children with equal protection from assault and ensure that children are not subject to physical punishment.</p> <p>a) prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, in England and Wales, Scotland, and Northern Ireland, and in all overseas territories and crown dependencies;</p>	<p>The law was changed in 2003 to improve protection for children and the Scottish Government believes that the current position ensures that the law gives children sufficient protection without unnecessarily criminalising parents who lightly smack their child. When the issue was considered in 2002 the Parliament did not support an outright ban. SG does not accept that the term violence is appropriate for the low level of physical punishment for which the defence of justifiable assault is available in Scots law.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Continue its commitment to provide early support to parents, particularly at challenging times. The Early Years Framework, to be launched this year will see a focus on intervening early to support vulnerable parents and strengthen family capacity to break cycles of inequality, deprivation, ill-health, and tackle social problems before they develop, • Continue to issue the information booklet, '<i>Children, Physical Punishment and the Law</i>' which explains the law in simple terms, details support services, and encourages positive discipline and parenting and is available in a variety of languages.
30	Corporal punishment [A37a]	<p>42. The Committee, reiterating its previous recommendations (CRC/C/15/Add.188, para. 35), in light of its General Comment n° 8 on "the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", as well as noting similar recommendations made by the Human Rights Committee; the Committee on the Elimination of Discrimination Against Women; and the Committee on Economic, Social and Cultural Rights, recommends that the State party:</p> <p>a) prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, in England and Wales, Scotland, and Northern Ireland, and in all overseas territories and crown dependencies;</p> <p>b) ensure that corporal punishment is explicitly prohibited in schools and all other institutions and forms of alternative care throughout the United Kingdom and in the overseas territories and crown dependencies;</p>	<p>Corporal punishment is banned in all schools in Scotland under s16 of the Standards in Scotland's Schools Act 2000.</p> <p>Corporal punishment is also prohibited in all residential establishments under s10 of the Residential Establishments – Child Care (Scotland) Regulations 1996.</p> <p>The draft revised Looked After Children Regulations (currently out for consultation) will state that the use of physical punishment by foster carers is prohibited (Schedule 5, paragraph 6). It is intended that this should cover kinship care as well. The National Standards for Foster Care also make clear that "each child in foster care is protected from all forms of corporal punishment"</p> <p>Where a child has been privately fostered, whether physical punishment is allowed is a matter between the parents and the private foster carer. Local authorities do regulate private fostering, but the Scottish Government does have concerns about private fostering in general – discussed in more detail at line 51.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Work with external colleagues to assist with the understanding of the new duties of the revised Regulations.
31	Corporal punishment [A37a]	<p>42. The Committee, reiterating its previous recommendations (CRC/C/15/Add.188, para. 35), in light of its General Comment n° 8 on "the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", as well as noting similar recommendations made by the Human Rights Committee; the Committee on</p>	<p>Initiate without further delay widespread promotion of positive, participatory and non-violent forms of discipline and public education programmes on the negative consequences of corporal punishment as called for in the 2002 Concluding Observations.</p> <p>The Scottish Government acknowledges the concern that effective help and support parents to promote positive non-violent forms of discipline has not always been available. SG is committed to providing early support to parents and it has a range of policies and programmes that provide support for parenting, particularly at challenging times. The Early Years Framework, to be launched this year will see a focus on intervening early to support vulnerable parents and strengthen family capacity to break cycles of inequality, deprivation, ill-health, and tackle social problems before they develop,</p>

	<p>the Elimination of Discrimination Against Women; and the Committee on Economic, Social and Cultural</p> <p>c) actively promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to raising public awareness of children's right to protection from all corporal punishment and to decreasing public acceptance of its use in childrearing.</p>	<p>CC37: SG must promote positive parenting strategies and develop ongoing and adequately resourced public education and awareness raising campaigns around the negative impact of physical punishment.</p> <p>CC38: SG must listen to and take into account the views of children, parents and professionals on physical punishment.</p>	<p>SG has issued an information booklet, 'Children, Physical Punishment and the Law' which explains the law in simple terms, details support services, and encourages positive discipline and parenting. There continues to be regular demand for the booklet; since 2004 over 700,000 copies have been distributed to schools, GP surgeries, social work departments etc. The booklet is available in a variety of languages.</p> <p>SG will:</p> <ul style="list-style-type: none"> Consider whether the information booklet for parents requires updating and/or refreshing. Work alongside partners to ensure that parents feel better supported and have improved parenting skills.
32	Corporal punishment [A37a]	<p>42. The Committee, reiterating its previous recommendations (CRC/C/15/Add.188, para. 35), in light of its General Comment n° 8 on "the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", as well as noting similar recommendations made by the Human Rights Committee; the Committee on the Elimination of Discrimination Against Women; and the Committee on Economic, Social and Cultural</p> <p>d) provide parental education and professional training in positive child-rearing.</p>	<p>Parenting programmes are available to parents through local authority and health board services, although not mandatory. No one programme is used across Scotland, giving services and parents the choice.</p> <p>SG will:</p> <ul style="list-style-type: none"> Work alongside partners to ensure that parents feel better supported and have improved parenting skills.
33	Right not to be subjected to torture, cruel/ inhuman/ degrading treatment or punishment. [A37a]	<p>43. With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends that the State party take all necessary measures for the implementation of the recommendations contained in the report of the independent expert of the United Nations study on violence against children, while taking into account the outcome and recommendations of the Regional Consultation for Europe and Central Asia held in Ljubljana from 5-7 July 2005. The State party should use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.</p>	<p>The Scottish Government undertook a 3 year Child Protection Reform Programme of child protection services, completed in 2006, which sought to improve the protection of children at risk of neglect and abuse and reduce the numbers of children who need protection. The primary outputs were:</p> <ul style="list-style-type: none"> A framework for standards which applies to all agencies; The development of multi-agency inspection for all agencies involved in child protection; The development of a 24 hour child protection service; Increased awareness of child protection within communities; Inter-agency child protection training; and Significant case review guidance <p>SG will:</p> <ul style="list-style-type: none"> Consider the UN Study on Violence and recommendations further and consider whether further work is required in this area.

FAMILY LIFE AND CHILDREN IN CARE					
No	UNCRC Article	Concluding Observations	SACR, Article 12 or SCCY recommendations	SG response	
34	Parental responsibilities [A18]	45. The Committee recommends that the State party: a) intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities;	-	The Scottish Government and COSLA are currently working in partnership to develop and implement an early years/early intervention framework to give all children the best possible start in life. The framework will recognise the importance of parents and parenting and, through an early intervention approach, will encourage the identification of situations where parents would benefit from support. SG provides support and advice to Parent Councils to help them keep up to date and informed on the changes taking place in Scottish education through the parentzone website, as well as a series of newsletters sent out once a term by the National Parental Involvement Coordinator at Learning & Teaching Scotland. A DVD was also sent out to all Parent Councils in August giving parents more details on the Curriculum for Excellence.	
35	Parental responsibilities [A18]		<u>General concerns</u> There are concerns about a lack of effective support for young carers and about problems with identifying young carers, resulting in many remaining hidden from support services.	<u>SG will:</u> <ul style="list-style-type: none"> Continue to work with COSLA on implementing the early years and early intervention framework lead a campaign highlighting the importance of good parenting in giving children the best start in life, and pointing parents to places where they can access guidance and assistance Work alongside partners to ensure that parents feel better supported and have improved parenting skills. <u>SG will:</u> <ul style="list-style-type: none"> As part of the Concordat, develop in partnership with COSLA/local government improved support for an additional 1000 young carers. Review all priorities for carers policy, including young carers policy, over the next year as we revise our Carers Strategy. This Strategy will include a "lift out" young carers" section. 	
36	Protection from abuse and neglect [A19]	51. The Committee recommends that the State party: a.) establish mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation, including within the family, in schools and in institutional or other care;	<u>General concerns</u> Concern that crimes committed against under 16s are not recorded.	The Scottish Government is committed to making sure that children are protected and kept safe from harm. The 3-year Child protection reform programme and follow up work has been integral in this. The HMIE inspection of child protection services is now well established. On-going first round of inspections expect to be completed in 2009. Inspections look at a variety of indicators including the development of staff; recognition and assessment of risk; ensuring that children benefit from strategies in place to minimise harm; and information sharing and recording. SG is also in the process of developing, with partners, a voluntary framework for management information to support work to tackle offending by young people which will be populated by national and local information. This will aim to improve the quality and availability of information relevant to this agenda.	The Care Commission regulates daycare and residential care for children and young people using the Regulation of Care (Scotland) Act 2001 regulations made under it and taking into account the National Care Standards published by Scottish Ministers. The Standards are based on 6 principles: Dignity, Privacy, Choice, Safety, Realising Potential, Equality and Diversity. Regulations provide the statutory

		<p>underpinning to ensure that service users achieve the fullest possible quality of life in the care services which support them. Regulations make provision for recording and investigation of incidents of various types, investigation of complaints, and enforcement action against providers falling short of the high standards expected.</p>
37	Protection from abuse and neglect [A19]	<p>51. The Committee recommends that the State party:</p> <p>b.) ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;</p>
38	Protection from abuse and neglect [A19]	<p>51. The Committee recommends that the State party:</p> <p>c.) strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimized once again during legal proceedings;</p>

		Vulnerable Witness Strategic Support Officers are being appointed for a 3 year period to ensure that relevant agencies are working effectively together to ensure the best outcomes for witnesses. • consider what further guidance might be required on communicating with witnesses, such as children, who have communication difficulties.
39	Protection from abuse and neglect [A19]	51. The Committee recommends that the State - d.) provide access to adequate services for recovery, counselling and other forms of reintegration in all parts of the country.
40	Separation from parents [A9]	SG should initiate a national strategy for LAAAC to inform services and policies. <u>General Concerns</u> Concerns that the full range of outcomes for looked after children remain consistently poorer than for other children e.g poor mental and emotional well-being, educational achievement, health problems, employability
41	Separation from parents [A9]	CC44: UK Govt and DAs should ensure care plans are implemented and service promised to each child is delivered. Should include early intervention and family support services to enable children to remain with their families where possible. CC47: UK Govt and DAs should ensure that thresholds for intervention are informed by children's best interests.
42	Separation from parents [A9]	45. The Committee recommends that the State - b.) avoid that children are taken in alternative care as a result of parental low income;
43	Separation	45. The Committee recommends that the State SG should enshrine in law the legal right • As described in detail below, do all within the powers available to it to help halve child poverty by 2010 and to eradicate it by 2020. The Scottish Government acknowledges concerns about limited access to advocacy support for looked after children away from their birth parents, including contact issues

	[from parents party: [A9]	[to independent advocacy, and put in place sufficient services to make it consistent and accessible. CC45: UK Govt and DAs should ensure CYP are involved in care planning, provided with appropriate information and receive advocacy support.	No coherent national plan exists for the provision of advocacy support and the Children's Rights Team is carrying out initial scoping work to look at what current exists, what gaps there are etc. Whenever a child is taken into care, they should be given by the local authority a handbook of information, including their right to have their voice heard and how to make a complaint if necessary. In addition, each residential establishment, including secure accommodation, will have a complaints procedure which will be subject to review as part of regular Care Commission inspections.
44	Separation from parents [A9]	45. The Committee recommends that the State party: c) take into account in all measures the views of the children, and providing them with child accessible complaint mechanisms in all parts of the country;	The overall local authority approach, including the quality of information provided to looked after children is covered in SWIA inspections.
44	Separation from parents [A9]	45. The Committee recommends that the State party: d) ensure support to children with one or both parents in prison, in particular to maintain contact with the parent(s) (unless this is contrary to their best interests) and prevent their stigmatization and discrimination;	SG will: <ul style="list-style-type: none"> • Work across Government and with external colleagues agree priorities for advocacy and to prepare a national plan of action to improve the quality, consistency and availability of advocacy support. • As part of the development of new proposals for the inspection of children's services, consider how information on children's complaints can be gathered and evaluated. <p>The Scottish Government is committed to providing support to children and families who have a family member in prison. We currently fund Families Outside which helps such families, for example through the Scottish Prisoner's Family Helpline.</p> <p>Families Outside is the only national charity in Scotland working exclusively with families affected by imprisonment. The helpline is open Mon-Fri 1-5pm (answerphone if not available). Research indicates that often the need is not so much to fill gaps as to strengthen the resources already available and make it accessible as fear of stigma or lack of awareness often prevent families from accessing the supports that do exist.</p>
45	Separation from parents [A9]	45. The Committee recommends that the State party: f.) assess why so many children with disabilities are in long term institutional care and review their care and treatment in these settings;	SG will: <ul style="list-style-type: none"> • Provide grant funding until March 2010 to support Families Outside which helps prisoners' families get the information and support they need. <p>Local authorities have a statutory duty to carry out assessments of need for disabled children and to provide and publicise a range and level of service appropriate to the needs of children with disabilities in their area. However, it is for the local authorities to determine how to manage their services to ensure that they meet their statutory requirements.</p> <p>Under the Education (Support for Learning) (Scotland) Act 2004 local authorities are under a duty to make adequate and efficient provision for such additional support as is required by a child or young person. They must also make arrangements for keeping these additional support needs and the adequacy of the additional support provided under consideration.</p> <p>HMIE and the Care Commission carry out regular joint reviews of the provision for children and young people who are Looked After.</p> <p>For the purposes of inspection, children in 52 week placements are considered to be looked after in Scotland.</p>

			<ul style="list-style-type: none"> Consider the needs of children in residential establishments as part of a wider National Residential Child care Initiative. This Initiative will report by September 2009 with recommendations on improving staffing, commissioning and for matching the needs of the children more appropriately to the current and future supply of residential child care.
46	Separation from parents [A9]	45. The Committee recommends that the State party: g.) facilitate the initiation of contact proceedings for all children separated from their parents and siblings, including those in long term residential care;	<p>The Scottish Government believes that contact proceedings should be decided and reviewed for each individual child in keeping with their best interests. This is enshrined in the Looked After Children Regulations 1996. This includes those in long-term residential care.</p> <p>SG will:</p> <ul style="list-style-type: none"> As at 41 above, support financially a programme of training and guidance for children and young people who are looked after away from their birth parents, including contact issues.
47	Separation from parents [A9]	45. The Committee recommends that the State party: h.) provide training and education programs to prepare children for adult life;	<p>The transition to independent living for children in care is a key priority for the Scottish Government.</p> <p>SG will:</p> <ul style="list-style-type: none"> Review learning choices for those aged 16+ to take account of our most vulnerable children, including those in care. Develop the Curriculum for Excellence to take into account the needs of those at risk of poor educational outcomes.
48	Separation from parents [A9]	45. The Committee recommends that the State party: i.) take into account the Committee's recommendations issued at the day of general discussion on Children without parental care, held on 16 September 2005.	<p>The Scottish Government is committed to ensuring that all children without parental care have their rights protected and have access to the help and support they need.</p> <p>SG will:</p> <ul style="list-style-type: none"> Look at the Committee's recommendations in detail and consider what further action we can/need to take to better support these children and young people.
49	Protection of children without families [A20]	45. The Committee recommends that the State party: e.) monitor the status of children placed in kinship homes, foster care, pre-adoptive homes and other care institutions, inter alia by regular visitations;	<p><u>General Concerns</u></p> <p>Care standards for children are not child-friendly in helping children understand the rights and protections they have and don't take account of or address lower literacy levels of these children.</p> <p>The Looked After Children Regulations 1996 require that all looked after children must be visited at regular intervals (as set out in the regulations) by the local authority responsible for their care. In addition, SWIA, HMIE and the Care Commission regularly inspect all these types of care to ensure they are providing care safely and effectively. Children's supervision requirements must be reviewed at least every 12 months.</p> <p>SG will:</p> <ul style="list-style-type: none"> Take forward plans to introduce individualized data collection, and better data gathering around looked after children and care leavers.
50	Protection of children without families [A20]	-	<p>CC49: UK Govt and DAs should ensure that no child leaves care before the age of 18 unless their welfare requires it. Decisions regarding leaving care should be explicit and transparent.</p> <p>CC50: UK Govt and DAs should ensure care leavers receive adequate support. Accommodation for care leavers, particularly for u18s, should be of an appropriate standard.</p> <p>CC51: UK Govt and DAs should ensure plans for leaving care are prepared well in advance with CYP's input and that they are implemented.</p> <p>Guidance on Supporting Young People Leaving Care in Scotland states that young people should continue to be looked after until 18, if that is in their best interest. The guidance re-enforces the parenting responsibility of local authorities for young people who may have no other support at time of transition; ensures that they are prepared and ready for the time when they are no longer looked after; looks to improve the assessment, preparation and planning for that time; provides better personal support; and strengthens the on-going contact between the local authority and young people beyond the age of 18 until at least 21.</p> <p>Local authorities must seek and take account of the views and wishes of the young person in assessing their needs and in preparing the plan that comes out of the assessment.</p> <p>The Regulations make clear that where the local authority has assisted a young person by providing them with or supporting them in accommodation the authority must ensure that any such accommodation is suitable.</p>

		SG will: <ul style="list-style-type: none"> • Work with external colleagues to address the barriers to young people making a successful transition to adult living. • Continue to raise this issue as part of the corporate parenting responsibilities when meeting senior officials and elected members at local level
51	Protection of children without families [A20]	General concern That we don't have appropriate procedures in place to monitor or regulate private fostering SG will: <ul style="list-style-type: none"> • Consider what further action it can take to encourage private foster carers to register with local authorities. <p>Local authorities should have a statutory duty to register private foster carers. Private foster care is also regulated by the Care Commission and reported on annually.</p>
52	Protection of children without families [A20]	SG will: <p>SG should put in place an optimum framework for qualifications in residential childcare work, along with efforts to address the pay, conditions and status of residential child care staff.</p> <p>SG should ensure that there are more training opportunities for foster carers so they are able to understand and uphold the rights and meet the needs of the children in their care.</p> <p>SG should ensure that all carers, including family members of community carers, are afforded access to the relevant training required to enable them to address the inconsistencies in support and enjoyment of rights.</p>
53	Protection of children without families [A20]	SG will: <p>SG should ensure that more resources are provided for LAs so that children can be accommodated in their own LA area, and that all LAAAC in all areas have adequate access to therapeutic and other support services.</p>
54	Protection of children without families [A20]	SG will: <p>CC52: To ensure the corporate parenting role is properly fulfilled, LAs across UK should designate elected members with responsibility for overseeing services for LAC, as already happens in Wales.</p> <p>Scottish Government is asking questions on corporate parenting when it meets with key senior officials and elected members at a local level and taking the lead in driving the discussion around what obstacles and barriers remain to improved working together. A number of local authorities have appointed councilors to champion the needs of all looked after children.</p> <ul style="list-style-type: none"> • Organize with COSLA a session for elected members to offer them the opportunity to share learning.

55	Protection of children without families [A20]	CC53: SG should roll out provision of specialist nurses working with LAAC across the country.	<p>It is not the Scottish Government's role to determine the number and location of specialist nurses. That is a role for NHS Boards in response to local needs and demand, acknowledging that these nurses will work as part of a multi-agency team.</p> <p>SG will:</p> <ul style="list-style-type: none"> Work with NHS Boards to identify all Looked After Children; ensure health assessments are carried out and to address identified needs to improve outcomes.
56	Adoption [A21]	47. The Committee recommends that the State party strengthen its efforts to facilitate that children, always in their best interests, are adopted as speedily as possible, taking in due account, inter alia, their cultural background.	<p>The legislation in Scotland operates to ensure that, once it is evident that adoption is in the best interests of the child where they can no longer live with their parents, the process for adoption is as efficient as possible taking account of the needs of all parties, and specifically the child. Both the current (s6 and s7 of the Adoption (Scotland) Act 1978) and forthcoming (s14 of the Adoption and Children (Scotland) Act 2007) legislation specifically mentions that the religious and cultural heritage of the child is considered when matching a child with adoptive parents.</p> <p>SG will:</p> <ul style="list-style-type: none"> As part of implementing the new Adoption and Children (Scotland) Act 2007 we will commission guidance for practitioners which will support good and timely decision making for children who are being adopted.
57	Adoption [A21]	49. The Committee recommends that the State party take the necessary measures to expand the application of the Hague Convention on Intercountry Adoption to the Overseas Territories.	<p>The UK has ratified the Hague Convention on Intercountry Adoption. The Convention extends to Scotland, Northern Ireland, Wales, the Isle of Mann, and the Channel Islands. Moves to extend to the Overseas Territories would be made by Whitehall and devolved authorities, however Whitehall would be responsible for any extension as foreign policy is a reserved matter.</p> <p>SG will:</p> <ul style="list-style-type: none"> liaise with Whitehall to ensure that any extension is reflected in Scottish legislation
58	Periodic review of placement [A25]	CC48: UK Govt and DAs should ensure that number of placements children experience is reduced. <u>General concern</u> There is also a concern that LAC don't always get a placement that matches their needs and that they can be placed a long way from home.	<p>The Adoption and Children (S) Act 2007 provides flexibility to review and adjust placements, although it remains a challenge that placements are often determined by resources (or by the lack of them).</p> <p>The Looked After Children Regulations require the views of the child to be sought and taken into account. However, the availability of limited advocacy support means that the views of children and young people are not always sought or taken into account.</p> <p>LAC regulations require a 6 monthly case review of all looked after children and supervision requirements must be reviewed within a maximum of 12 months.</p> <p>SG will:</p> <p>Implement the Adoption Act regulations and revised Looked After Children regulations as described at 41 and 56 above.</p>
59	Family reunification [A10]	<u>General concern</u> Reserved – although we have an interest. Families granted leave through case resolution (and others) are looking to bring in additional family members.	<p>There is no SG work currently underway on this issue, although officials have had initial discussions with the Scottish Refugee Council.</p> <p>SG will:</p> <ul style="list-style-type: none"> Work with the SRC and others to assess key concerns and likely scale of the issue in order to develop policy position and to agree a way forward.

HEALTH AND WELLBEING			
No	UNCRC Article	Concluding Observations	SACR, Article 12 or SCCYP recommendations
60	Rights of children and young people with disabilities [A23]	<p>53. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:</p> <p>a.) take all necessary measures to ensure that legislation providing protection for persons with disabilities, as well as programmes and services for children with disabilities, are effectively implemented;</p>	<p>CC58: UK Govt and DAs should address the major gaps in service provision and outcomes for children and young people with disabilities</p> <p>CC59: UK Govt and DAs must prioritise safeguarding of children and young people with disabilities and improve child protection systems to ensure they better meet the needs of these children.</p> <p><u>General concern</u></p> <p>There has so far been limited coordination within Govt of services/ support for children with disabilities, therefore difficult to say how well we are meeting the needs of this group/or their parents etc.</p>
61	Rights of children and young people with disabilities [A23]	<p>53. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:</p> <p>b.) develop early identification programmes;</p>	<p>53. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:</p> <p>c.) provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers;</p>
62	Rights of children and young people with disabilities [A23]		

			Recognition. Local Authorities also provide In-Service Training days that may focus on disability issues.
63	Rights of children and young people with disabilities [A23]	53. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party: d.) develop a comprehensive national strategy for the inclusion of children with disability in the society;	CC56: UK Govt and DAs should research the experiences of children and young people with disabilities in a range of settings to assess the extent to which institutions are adopting inclusive policies and practice. Research also needed on the interaction of a range of social factors (e.g. class, gender, race) which may influence a child's experience of education and other services.
64	Rights of children and young people with disabilities [A23]	53. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party: e.) undertake awareness-raising campaigns on the rights and special needs of children with disabilities, encourage their inclusion in society and prevent discrimination and institutionalization;	CC56: UK Govt and DAs should research the experiences of children and young people with disabilities in a range of settings to assess the extent to which institutions are adopting inclusive policies and practice. Research also needed on the interaction of a range of social factors (e.g. class, gender, race) which may influence a child's experience of education and other services.
65	Rights of children and young people with disabilities [A23]	53. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party: f.) consider ratifying the International Convention on the Rights of Persons with Disabilities and its Optional Protocol.	The Scottish Government does not currently have an overarching children's disability strategy. The Standards in Scotland's Schools etc Act 2000 gives children a right to a school education, which is 'directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.'(s.2(1)). It includes a presumption in favour of providing mainstream education for all children. However the context in which this should be implemented is one that specifically allows for education to be provided elsewhere, if either: mainstream schooling is unable to meet a child's needs, or where their inclusion would be incompatible with the education of other children. This is because it will always be necessary to tailor provision to the needs of the individual child, and it is recognised there is a need to make available a range of mainstream and specialist provision, including special schools, to ensure the needs of all pupils and young people are addressed.
66	Rights of children and young people with disabilities		SG will: <ul style="list-style-type: none">• Work with FSDC and the Liaison Project Manager postholder to consider how we can work together with children and young people with disabilities and their families to ensure they are supported in their communities to enjoy an inclusive and positive experience.• Engage with local authorities, service providers and stakeholders to ensure we develop long term plans to meet the rights and needs of Scotland's disabled children. SG will: <ul style="list-style-type: none">• Use the internal cross directorate coordination role to ensure the development of internal awareness of children's disabilities issues in key policy areas and with Ministers.• As part of our wider work following on from our meeting parents of disabled children groups, work with the campaign coalition and Liaison Project Manager post to develop a programme of work highlighting the issues faced by families with disabled children in Scotland, and how best the SG can work with all partners to address these. SG will: <ul style="list-style-type: none">• Ratification of this Convention is a matter for the UK Government at Westminster. The UK Government signed the Convention in March 2007, clearly signalling its intention to ratify. Timing of ratification is a matter for the UK Government.• continue to monitor the UK position in respect of the Convention and work with partners to consider any implications for Scotland. SG will: <ul style="list-style-type: none">• Consider data needs around children and young people with disabilities as part of a wider strategic

	[A23]	services for these children and their families more effectively.	exercise on evidence, needs and priorities.
67	Rights of children and young people with disabilities [A23]	<p>CC55: UK Govt and DAs should ensure that plans are put in place to prepare children and young people with a disability for the transition to adult life (and adult services).</p> <p>SG will:</p> <ul style="list-style-type: none"> Continue work on transition underway in a number of different contexts such as schools, colleges and the university sector and consider how best to coordinate these separate strands of activity. 	<p>Transition has emerged as a key issue during the Scottish Government's discussions with the parents of children with disabilities and will play a prominent role in the development of children's disability policy in future.</p> <p>SG will:</p> <ul style="list-style-type: none"> SG is committed to working with internal and external colleagues to agree priorities for advocacy and to prepare a national plan of action to improve the quality, consistency and availability of advocacy support. No coherent national plan exists and the Children's Rights Team is carrying out initial scoping work to look at what current exists, what gaps there are etc. Children with disabilities will form a key part of that consideration.
68	Rights of children and young people with disabilities [A23]	<p>CC57: UK Govt and DAs should establish advocacy arrangements for children and young people with a disability to enable the voice of the child to be heard in all matters affecting him or her in accordance with Article 12.</p> <p>CC32: UK Govt and DAs should ensure that children in need of communication support aids must have access to such equipment for them to fully enjoy their Article 12 rights.</p>	<p>SG will:</p> <ul style="list-style-type: none"> As part of wider work to improve support for disabled children, consider communication support aids, including their current availability and how we can address any gaps. In doing this, we will make it a priority to hear and take account of the views of children with disabilities.
69	Rights of children and young people with disabilities [A23]	<p>CC60: UK Govt and DAs must significantly improve educational support for CYP with SEN or ASN. The high numbers of children and young people with a disability who are excluded from school must also be addressed.</p> <p>CC61: UK Govt and DAs should measure attainment levels of disabled pupils, not just in terms of grades achieved but whether they are making progress towards reaching their potential as set out in Article 29.</p>	<p>Under the ASL Act, local authorities are required to identify and then make adequate and efficient provision for the additional support needs of children and young people, including those with a disability.</p> <p>There is a legal requirement under the Education (Disability Strategies and Pupils Educational Records) (Scotland) Act 2002 for local authorities, and those responsible for independent and Grant Aided Special Schools (the responsible bodies under the Act) to prepare and implement an accessibility strategy for all the schools they are responsible for. Strategies should be kept under review. The responsible body has a statutory duty under the Education (Disability Strategies) (Scotland) Regulations 2002 to implement any revised strategies that have been prepared.</p> <p>Strategies are required to show how, over time – (the period of the 3 year strategy); access to education and associated services will be increased by:</p> <ul style="list-style-type: none"> Ensuring that disabled pupils are able to access the curriculum; Making improvements to the physical environment of the school; Improving communication with pupils and parents/carers, in particular, providing information to pupils with disabilities in appropriate alternative formats. <p>This is because it will always be necessary to tailor provision to the needs of the individual child, and it is recognised there is a need to make available a range of mainstream and specialist provision, including special schools, to ensure the needs of all pupils and young people are addressed.</p> <p>The Disability Equality Duty requires local authorities from December 2006 to publish a disability equality scheme as part of which local authorities and schools are under a duty to gather information on achievements of disabled pupils. Such pupils should be actively involved in the development of the equality scheme.</p>

		The Curriculum for Excellence will provide more choices and chances for all pupils and will promote greater flexibility and creativity and will provide more opportunities for vocational education for all pupils.
		SG will: <ul style="list-style-type: none"> Develop new guidance on exclusion from school which will specifically support and address the needs of the most vulnerable children and young people, including those with disabilities. The guidance will focus on the prevention and management of exclusion from school with school exclusion as a last resort within the context of consistently applied behaviour and pupil welfare policies.
70	Rights of children and young people with disabilities [A23]	CC62: The UK Government should simplify the process of applying for disability benefits and improve awareness and the take up of these benefits.
71	Rights of children and young people with disabilities [A23]	General concern There is a need to improve support for carers, including those who care for children with disabilities, for example through improving and increasing the availability of respite care.
72	Health and health services [A24]	Inequality of access 55. The Committee recommends that inequalities in access to health services are addressed through a coordinated approach across all government departments and greater coordination between health policies and those aimed at reducing income inequality and poverty.

- SG will:**
- Continue to press the UK Govt on this issue.
 - Look at ways it can work to maximize income for key groups, including families with children. As announced in our Tackling Poverty Framework we will make significant new investment in 2009-10 and 2010-11 in income maximization work. This will include a focus on benefits uptake for key groups to boost the income of those in poverty or at risk of poverty.
- Appropriate, accessible respite is a priority for all unpaid carers, including those caring for disabled children. There is a commitment in the Concordat to make progress towards an additional 10,000 respite weeks p.a. In addition, the Scottish Government has a manifesto commitment to a minimum annual respite entitlement for those carers most in need by 2011.
- SG will:**
- Work with COSLA to help ensure that local authorities deliver the Concordat commitment on additional respite in full by 2010/11.
 - Issue revised short breaks (respite) guidance which will support service planners and providers to develop planned preventative respite to meet the needs of carers and those they care for – including disabled children and their families.
- Equally Well, the report from the Ministerial Task Force on Health Inequalities, identifies early years as a key priority for tackling health inequalities, and includes recommendations aimed at reducing income inequality and poverty that are cross-cutting and will also impact on children's early years and young people.
- NHS Scotland's Fair for All programme aims to ensure that all individuals have access to the right health services for their needs. Fair for All initiatives were established to consider the needs of specific population groups – age, disability, gender, race, religion/belief and sexual orientation.
- Fair for All – Age (guidance published Dec 07) aims to support policy makers, managers and practitioners to improve access to services for younger and older people and ensure services respond appropriately to an individual needs, background and circumstances on the grounds of age. The guidance seeks to address these issues by offering practical support to Boards on engaging with and responding appropriately to the needs of younger people.

		<p>CC65: UK Govt and DAs should take all steps (including the allocation of additional resources) to ensure equal access to health care services for children.</p> <p><u>General concern</u></p> <p>Access to services for those who don't speak English and the limited availability of confidential health services in rural areas.</p>	<p>SG will:</p> <ul style="list-style-type: none"> Introduce a Patients' Rights Bill, that will include the right for an individual waiting time. Undertake a national programme of work, Better Together, aimed at securing better access to GP appointments. This will include large scale surveys of patients' experiences of NHS services, including GP services, that will be disaggregated by age. We will therefore be able to identify any particular issues for CYP in relation to accessing GP appointments and address these systematically. Support the work of NHS Health Scotland's Directorate of Equalities & Planning in developing a national Translation & Interpreting strategy to ensure a uniform response in relation to access for those who don't speak English.
73	Health and services [A24]	<p>57. The Committee recommends that additional resources and improved capacities are employed to meet the needs of children with mental health problems throughout the country, with particular attention to those at greater risk, including children deprived of parental care, children affected by the conflict, those living in poverty and those in conflict with the law.</p> <p>Mental health</p>	<p>SG must improve access to mental health services for children, and ensure that services are local, accessible, and child friendly.</p> <p>SG must improve delivery of child and adolescent mental health services with more training for front line staff, and use of social support, peer support and the broadening of mentoring or befriending services.</p> <p>CC70: UK Govt and DAs must map need and services to ensure appropriate allocation of resources.</p> <p>CC71: UK Govt and DAs should take all necessary measures to strengthen mental health and counselling services and ensure they are accessible and sensitive to adolescents.</p> <p>CC72: UK Govt and DAs should adequately resource and ensure provision of appropriate treatment services for children and young people with mental health problems, with priority being given to those who self harm, have eating disorders, have experienced abuse and/or who display sexually harmful behaviour.</p> <p><u>General concerns</u></p> <p>There are concerns about whether the best interests of children with mental health problems are being fully met. Concerns have also been raised about a lack of rights awareness among staff and children, a lack of funding support for CAMHS services and a general lack of specialist professionals eg psychologists.</p>

		<ul style="list-style-type: none"> • Task NHS Boards to ensure that staff have access and training around rights awareness for children. • Place additional attention on improving access to psychotherapy and psychological interventions by supporting Child and Adolescent Cognitive Behavior Therapy training and Family Therapy Training. SG has committed to providing money for psychotherapy training over the next 4 years. • Work with NHS Boards on their commitment to increase CAMHS workforce capacity. CAMHS workforce planning now included in regional workforce plans. • Work with NHS Boards to ensure focus on the need for investment in CAMHS. • Developing an action plan for population mental health for publication early in 2009 with a particular focus on addressing inequalities and evidenced links between deprivation and mental ill health. • National Residential Childcare Initiative looking at the challenges faced by residential childcare, including secure, to recommend changes and developments needed. • In addition, we are responding to the change CAMHS agenda by and through the following linked initiatives: <ul style="list-style-type: none"> ◦ Developing training; ◦ Reducing admissions to adult beds ◦ Producing improved workforce data; ◦ Mapping existing provision; ◦ Involving young people; ◦ Establishing a Young Scotland in Mind Forum; ◦ Establishing a delivery (virtual) group; ◦ Core and Reference Groups; ◦ Quality Improvement Network for Multi Agency CAMHS (QINMAC); ◦ National Data Standards; and ◦ Integrated Care Pathways in Remote and Rural areas. ◦ Attention to eating disorder support and care 	<p>SG will:</p> <ul style="list-style-type: none"> • Work across Government and with external colleagues to agree priorities for advocacy and to prepare a national plan of action to improve the quality, consistency and availability of advocacy support.
74	Health and health services [A24] Mental health	CC73: UK Govt and DAs must provide independent advocacy for all under-18s receiving in-patient mental health care.	<p>The Mental Health (Care and Treatment) (Scotland) Act 2003 requires NHS Boards and Local Authorities to provide independent advocacy to all people with a mental health problem, including children.</p> <p>No coherent national plan exists for the provision of advocacy support and the Children's Rights Team is carrying out initial scoping work to look at what current exists, what gaps there are etc.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Work across Government and with external colleagues to agree priorities for advocacy and to prepare a national plan of action to improve the quality, consistency and availability of advocacy support.
75	Health and health services [A24] Breast-feeding	59. The Committee recommends that the State party implement fully the International Code of Marketing of Breastmilk Substitutes..	<p>The UK Govt must make more progress in the implementation of the International Code for Marketing of Breast-milk Substitutes and the World Health Assembly's International Marketing Code.</p> <p>We are in regular contact with FSA Scotland. Over half of babies in Scotland are born in UNICEF baby friendly accredited hospitals, which have implemented measures to encourage breastfeeding as recommended by the World Health Organization. The sale, promotion and display of any material, including infant formula, produced by manufacturers of breast milk substitutes in any part of the healthcare facility is not allowed in accredited facilities.</p> <p>Within the UK, Scotland has the highest percentage of births in UNICEF baby friendly accredited hospitals.</p> <p>SG will:</p>

			<ul style="list-style-type: none"> Continue to work closely with FSA Scotland and FSA London and continue to support NHS Boards in their goal to attain UNICEF Baby Friendly Accreditation within Maternity and Community settings.
76	Health and health services [A24]	59. The State party should also further promote baby-friendly hospitals and encourage that breastfeeding is included in nursery training.	<p>SG must initiate a health education campaign to encourage breastfeeding by mothers in all income groups, with resources targeted at mothers living in poverty, particularly teenage mothers;</p> <p><u>General concern</u></p> <p>Breastfeeding rates in Scotland have not risen much since 1999 and remain low, especially in poorer communities. More needs to be done to counteract negative cultural attitudes towards breastfeeding particularly in poorer communities. SG figures show that between 1999 and 2004 less than 10% of 15-19 year old mothers in the lowest SIMD quintile were still breastfeeding 6-8 weeks after their babies' births. Even in the highest quintile for this age group, rates are still low at just over 20%.</p> <p>SG has provided all NHS Boards in Scotland with a HEAT target to assist them in increasing the number of babies who are exclusively breastfed.</p> <p>SG has recruited an Infant Nutrition Co-ordinator for Scotland, who took up position in May 2008.</p> <p>NHS Health Scotland has launched a new Breastfeeding DVD, and a revised Ready, Steady, Baby will issue at the end of 2008/beginning of 2009.</p> <p>On 26 November 2008, SG formally endorsed and adopted as policy, World Health Organisation (WHO) guidance that exclusive breastfeeding is recommended for the first six months of an infant's life, and that six months is the recommended age of introduction of solid foods for all infants. We have also adopted as policy that breastfeeding should continue beyond the age of six months, alongside the introduction of appropriate types and amounts of solid foods, for up to two years or for as long as the mother chooses.</p> <p>Within Education, the Curriculum for Excellence draft health and well-being outcomes include the short and long term benefits of breastfeeding to both mother and baby.</p> <p>SG will:</p> <ul style="list-style-type: none"> Work with NHS Health Scotland to address the emotional and practical barriers that stop mothers from starting to breastfeed or for whom breastfeeding is unsuccessful. With a particular focus on less affluent and younger parents. Support the Infant Nutrition Co-ordinator to develop an infant nutrition strategy for Scotland, and part of this work will focus on the promotion of breastfeeding. Host a breastfeeding conference for health professionals in Scotland in May 2009.
77	Health and health services [A24]	61. The Committee recommends that the State party intensify its efforts in order to provide adolescents with appropriate reproductive health services, including reproductive health education in the school.	<p>SG should ensure that all children have access to quality sex and relationship education that is appropriate for their needs and age: the right of a child who wishes to have information on sexual health issues, should over-ride the wishes of parents who wish to withdraw them from sex education classes, or the wishes of teachers who have religious objections to the subject matter.</p> <p>SG should ensure that all children have a choice of sexual health services that they can freely access locally and confidentially.</p> <p>SG should ensure that sexual health services monitor use by ethnic group.</p> <p>Each NHS Board has an individual sexual health strategy in place which has been developed to meet the needs of their local population. Each strategy has been equality impact assessed.</p> <p>Statutory guidance requires schools to provide health education which includes sex and relationships education (SRE) within the framework of Health Education 5-14 National Guidelines. SRE is not a part of the core curriculum, but schools are expected to build age appropriate sex and relationships education into the curriculum with the aim of helping young people make informed, responsible, safe and healthy choices about their lives and relationships. Scotland is undergoing the biggest educational reform for a generation, Curriculum for Excellence sets broad experiences and outcomes which young people should achieve. These are set out in the draft experiences and outcomes published in May 2008 and are structured around: mental, emotional, social and physical well-being; physical education, physical activity and sport; food and health; substance misuse; and relationships, sexual health and parenthood.</p>

		<p>have processes to arrange translation of written information and access to interpreters where required.</p> <p>SG should ensure that all sexual health services staff receive basic equality and diversity training as a minimum, and appropriate staff training should be provided where client groups have specific needs.</p> <p>CC69: UK Govt and DAs should each make health education, including sex and relationship education, a statutory requirement for all schools.</p>	<p>The statutory guidance makes clear that health and wellbeing is the responsibility of all adults who are working together to support the learning and development of children and young people. It also states that parents and carers are to be consulted on sex and relationships education and the right to withdraw.</p> <p>The Education (Additional Support for Learning) (S) Act 2004 aims to ensure that all children and young people are provided with the necessary support to help them meet their individual needs and to help them make the most of their education, including sex and relationships education.</p> <p>However, equity of access to services for young people is essential if we are to achieve our aims. 'Equally Well' contains an action for NHS Boards and Local Authorities to ensure that young people appropriate sexual health 'drop-in' services are available either in or near every school in Scotland.</p>	<p>SG will:</p> <ul style="list-style-type: none"> Continue work already underway to address some of the recommendations such as access to sexual health advice, information and services. NHS Boards depending on their local population need are providing translators and information in different languages and generally we are encouraging and facilitating more joined up working.
78	Health and health services [A24]	<p><u>General concern</u></p> <p>Poor levels of support for teenage parents eg to continue education etc</p> <p>Adolescent health</p>	<p>The Scottish Government is committed to providing early support to parents and it has a range of policies and programmes that provide support for parenting, particularly at challenging times. The Early Years Framework, to be launched this year will see a focus on intervening early to support vulnerable parents and strengthen family capacity to break cycles of inequality, deprivation, ill-health, and tackle social problems before they develop</p> <p>Under the Education (Additional Support for Learning) (S) Act 2004, local authorities are required to identify, meet and keep under review the additional support needs of all pupils, including teenage parents.</p> <p>Safe and Well, a handbook for local authorities, schools and teachers on child protection, states: School staff must recognise that a pupil who decides to continue with a pregnancy will require ongoing support and must plan to meet their additional support needs. Schools with good programmes of education for personal and social development which include sex education and Learning for Childcare and Parenting, will be able to ensure other pupils in the school are both supportive of their peer and aware of the issues associated with teenage pregnancy. Pupils who opt to terminate a pregnancy may also require support to cope with the emotional impact following the procedure.</p> <p>A key theme of the early years framework is building parenting and family capacity – helping parents, including teenage parents to help themselves to help their children.</p>	<p>SG will:</p> <ul style="list-style-type: none"> Continue to work with COSLA and other partners on taking forward the implementation of the framework. Work alongside partners to ensure that young parents feel better supported and have improved parenting skills.
79	Health and health services [A24]		<p>LA's and health boards work with NGOs and consult with young people to design the best possible provision of services.</p>	<p>In the development of new policies, the Scottish Government undertakes to gather the views of children, young people and their parents or carers, understanding their role as key stakeholders in policy development.</p> <p>During the development of the consultation on the National Delivery Plan for Children and Young People's</p>

	Adolescent health	Specialist Services in Scotland, SG undertook an extensive public engagement with service users and their parents and carers. Ten 'general' public engagement events were held across Scotland and further targeted events were held to increase participation: 3 with children and young people, 1 health professional event and 1 parent/carer event.	Delivering a Healthy Future: An Action Framework for Children and Young People's Health Services in Scotland, published by the Scottish Executive in 2007 recognises that children and young people are key partners in decisions involving their health and healthcare. The <i>Action Framework</i> sets out guidelines for NHS Boards which emphasises, among other things, the need to get the views of children, young people and their carers in planning the services they might use and to keep parents and young people informed about their rights and responsibilities.	SG will: <ul style="list-style-type: none"> Issue the National Delivery Plan as guidance to NHS Board in late 2008 and NHS Boards will require to submit implementation plans. In order to standardise the process and allow for clear decisions on the prioritisation of the many competing demands for resources we have produced a template for completion by Boards and will require clear evidence that proposals are developed by engaging with key stakeholders including patient/public involvement principles and should set out how this will continue to be achieved as the services develop. Continue its involvement in the 2 year pilot project with SCCYCP and NHS Education Scotland into getting young peoples views on service provision. 	The Scottish Government published a good practice document (May 2008) on meeting needs, managing and reducing the risks presented by children and young people involved in sexually harmful behaviour. The document endeavours to improve the practices of all agencies involved with children displaying sexually harmful behaviour and is aimed at practitioners and managers who work with those in the children's hearings system, but it also tackles the issue of those who make the transition to the criminal justice system.	The Criminal Justice Social Work Development Centre at the University of Edinburgh hosts a number of Champion's Groups which bring practitioners with specific skills and interests together to consider and overcome the issues and challenges in their field. 'Young People Displaying Sexually Harmful Behaviour (CHIPS) have been the focus of a champion's group since 2004. The CHIPS group has been successful in gathering data on over 500 young people involved in sexually harmful behaviour to better understand the indicators for this type of behaviour in order to prevent future harm.	The Scottish Government has provided funding for the Champion's Group to host a number of practitioner events across Scotland to raise awareness of the complexities of working with children displaying sexually harmful behaviour, share learning from the research data and support workers in the field. Recent practitioner events have focussed on effective risk assessment and management. Funding has also been provided for specialist training which aims to identify the needs of young people who have demonstrated inappropriate sexual behaviours and help them control and eliminate the behaviours of concern.	SG will: <ul style="list-style-type: none"> Review the good practice document in light of new research and emerging evidence of what works to support young people displaying sexually harmful behaviour. Continue to support the Champion's Group to identify, develop and share practice in this field. 	The Scottish Government acknowledges the challenge that Scotland faces in reducing sexually transmitted infections and reducing unintended teenage pregnancy. Reducing STI's and unintended pregnancy are the
80	Health and health services [A24]	CC66: UK Govt and DAs should each develop a coherent, strategic response to meeting the needs of children exhibiting sexually harmful behaviour.	Adolescent health						
81	Health and health	CC68 UK Govt and DAs should each develop strategies to tackle the higher							

	services [A24] Adolescent health	level of teenage pregnancy in disadvantaged areas. Interventions should recognise the close relationship between risky behaviours (such as early sexual intercourse and the use of alcohol and drugs), and ensure a more holistic approach is developed.	key aims of Respect and Responsibility, Scotland national sexual health and relationships strategy. 'Equally Well' contains an action for NHS Boards and Local Authorities to ensure that young people's sexual health 'drop-in' services are available either in or near every school in Scotland.
82	Health and health services [A24] Drug abuse [A33]	63. The Committee recommends that the State party continue to address the issue of substances use by adolescents across the State party, including by: <ul style="list-style-type: none"> a) studying the root causes of these problems in order to provide targeted prevention measures; b) providing children with accurate and objective information on toxic substances, as well as support to those attempting to abandon their use or dependency. 	SG will: <ul style="list-style-type: none"> • Develop a social marketing campaign which will aim to reduce the stigma and negative culture associated with sexual health and wellbeing in Scotland. This campaign will recognize and highlight risk and risk factors associated with negative sexual health outcomes. Equity of access to services for young people is essential if we are to achieve our aims. <p>The Drugs Strategy which was published in May 2008 dedicates a chapter to prevention. The implementation of the strategy is being supported by an Evidence Group. Accurate information about drugs and the consequences of their use is important for young people.</p> <p>Through Curriculum for Excellence, young people will be able to develop their knowledge, skills and understanding of substance misuse as part of education for health and well-being. Draft learning outcomes and experiences for the Health and Wellbeing were published in May 2008 and education practitioners are being asked to reflect on these.</p> <p>Drugs Services for young people are not funded centrally. Local funders through Alcohol and Drug Action Teams provide funding.</p>
83	Health and health services [A24] Drug abuse [A33]	63. The Committee recommends that the State party continue to address the issue of substances use by adolescents across the State party, including by: <ul style="list-style-type: none"> b) strengthening mental health and counselling services ensuring that they are accessible and sensitive to adolescents in all jurisdiction, including the Overseas Territories; 	SG will: <ul style="list-style-type: none"> • Continue with research work already underway to inform how information is most effectively delivered to under 16 years olds. • Continue to respond to the needs of children and young people in developing drug services. <p>Our 2007 report <i>Closing the Gaps – Making a Difference</i> makes specific recommendations for service change and improvement in the way all agency partners combine to anticipate and respond to the needs of those affected by mental health and substance misuse.</p>
84	Health and health services [A24] Drug abuse [A33] Substance abuse	-	SG will: <ul style="list-style-type: none"> • Continue working with NHS Education for Scotland and NHS Boards and their partners to take forward out specific commitment to increase the availability of evidenced based psychological therapies for all age groups in a range of settings and through a range of providers. This includes children and young people. <p>The Scottish Government acknowledges the concern about children affected by parental substance abuse in particular about neglect, physical and emotional harm, poor school attendance, poor domestic circumstances, lack of food, poverty.</p> <p>Children Affected by Parental Substance Misuse (CAPSM) – the new approach to support for children affected by parental substance misuse covers both illegal drugs and alcohol.</p> <p>There is a stand alone chapter within the Scottish Government drugs strategy <i>The Road to Recovery – Getting it right for children in substance misusing families</i> (published May 2008) which outlines key challenges and approaches in this area.</p>

		<p>parental substance abuse; and more emphasis on early intervention and services based in non-stigmatised settings.</p> <p>CC67: UK Govt and DAs should each develop a co-ordinated approach to meeting the needs of children whose parents have substance misuse and/or mental health problems. All services working with children and young people should assess the impact of living with parents with substance misuse and/or mental health problems and put in place services to meet their needs.</p>	<p>SG published a consultation on tackling alcohol misuse in summer 2008. Record funding (an extra £85m over 3 years) will improve access to appropriate treatment for parents and bring benefits for children affected by parental alcohol misuse.</p> <p>SG will:</p> <ul style="list-style-type: none"> Implement the actions outlined in the stand alone chapter including, work to improve identification, assessment, recording and planning and information sharing; to build the capacity, availability and quality of support services; and to strengthen the consistency and effectiveness of immediate risk management. 				
85	Health and health services [A24]	<p>General concern</p> <p>That we need to tackle high rates of smoking among children and young people given the negative effect this has on children's health.</p>	<p>The Scottish Government's <i>Smoking Prevention Action Plan</i> sets out a series of measures aimed at preventing and dissuading children and young people from starting to smoke and becoming regular smokers. Targets set:</p> <p>By 2014 reduce smoking by:</p> <table> <tr><td>13 yr old girls to 3%</td></tr> <tr><td>13 yr old boys to 2%</td></tr> <tr><td>15 yr old girls to 14%</td></tr> <tr><td>15 yr old boys to 9%</td></tr> </table> <p>By 2012 reduce smoking amongst 16-24 yr old to 22.9%</p> <p>SG commitments on smoking come from evidence-based recommendations made by an expert group and the results of a consultation on them. These measures recognise that children experiment with smoking and become regular smokers for a number of reasons, including parental guidance.</p> <p>SG will:</p> <ul style="list-style-type: none"> Continue financial (£3m per annum) and other support for smoking prevention services. Legislate in 2009 to further restrict the display of tobacco products and introduce further controls on tobacco sales. Prevention work is supported by record levels of investment in smoking cessation services. 	13 yr old girls to 3%	13 yr old boys to 2%	15 yr old girls to 14%	15 yr old boys to 9%
13 yr old girls to 3%							
13 yr old boys to 2%							
15 yr old girls to 14%							
15 yr old boys to 9%							
86	Health and health services [A24]	<p>General concern</p> <p>High levels of childhood obesity in Scotland</p>	<p>Improving mental health and wellbeing is a priority for the Scottish Government. There are many complex factors that cause obesity and there is no simple relationship between childhood obesity and inequality.</p> <p>SG is working to implement the national Physical Activity Strategy 2003 and the Scottish Diet Action Plan 1996 that currently deliver a wide range of initiatives contributing to children achieving and maintaining a healthy weight.</p> <p>The Joint Action Plan covering tackling obesity, healthy eating and physical activity published in April 2008 provides further details of SG work in this area. The healthy weights element will place an emphasis on childhood obesity and community-based interventions.</p> <p>Detailed policy advice and guidance on the management and treatment of eating disorders has issued. Agencies aim to provide a range of services from community to specialist care is clear and understood.</p>				

		<p>NHS Board Regional Planning Groups have established Managed Clinical or other Networks to plan and deliver improved eating disorder care. Integrated Care Pathways in place or in development. NHS Scotland also contracts with the independent sector for provision of specialist in-patient eating disorder care.</p> <p>Engaged in wider mental health and well-being change and improvement programme, benefits of which will impact on those with an eating disorder, their carers and families</p> <p>SG does not consider a need at this time for a National eating disorder working group as policy overview and delivery arrangements are well established and responding to need. We believe there are existing structures in place to drive improvements nationally, regionally and locally across the statutory and voluntary sectors.</p>
		<p>SG will:</p> <ul style="list-style-type: none"> Continue working with the independent sector to negotiate regularised discounted pricing arrangement for specialist eating disorder care. The aim is for improved efficiencies; value for money; and quality of care/outcomes for NHS patients on a commissioned or contracted service basis. Conclude work with partners (currently at an advanced stage) to increase access to evidence based psychological therapies.
87	Health and health services [A24]	<p><u>General concerns</u></p> <p>Concerns about inequalities in infant mortality: different mortality rates eg among lower socio-economic groups, ethnic minorities etc</p> <p>A Ministerial Task Force on health inequalities has been set up, including members from LAs, voluntary sector and the NHS looking at the full range of health inequalities including child mortality</p> <p>SG will:</p> <ul style="list-style-type: none"> Work with its partners to take forward the Task Force's Report (published in June 2008) which sets out recommendations for action for SG, NHS, LAs and voluntary organizations working together to address key health inequalities. This is a good opportunity for cross-sectoral debate and discussion on how best to implement the recommendations.
88	Health and health services [A24]	<p><u>General concern</u></p> <p>Do SG and schools provide adequate information and support to LGBT children and young people – particular issue around sexual health services for this group.</p> <p>The SG is currently providing funding to LGBT Youth for a range of projects to support young people, including a Young People's Policy and Participation Project which aims to enable LGBT young people's views, opinions and experiences to be heard, understood, and acted upon by policy makers and service providers.</p> <p>The relationships, sexual health and parenthood strand of the health and wellbeing experiences and outcomes under Curriculum for Excellence provides the opportunity for children and young people to respect uniqueness and acknowledge diversity.</p>

		<p>The publication <i>Dealing with Homophobia and Homophobic Bullying in Scottish Schools</i> should contribute to the improved mental health and wellbeing of LGBT Young People in schools. This comprehensive toolkit is a resource to provide schools and teachers with confidence, skills and support to prevent homophobia and deal with homophobic incidents.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Undertake a small piece of research to establish how the needs of transgender young people in school can be more effectively met. The research will aim to clarify gaps in support and service along with evidence of good practice where this exists.” • Continue to support local authorities to improve implementation of the 10 standards for Personal Support for all pupils in Scottish schools as set out in ‘Happy safe and achieving their potential’. A toolkit has been developed and a national network established. • Look at how the Personal Support toolkit can be developed to address the needs of LGBT children and young people.
89	Standard of living [A27]	<p>§5. The Committee would like to highlight that an adequate standard of living is essential for the child's physical, mental, spiritual, moral and social development and that child poverty also affects infant mortality rates, access to health and education as well as everyday quality of life of children. In accordance with article 27 of the Convention, the Committee recommends that the State party:</p> <ol style="list-style-type: none"> a) adopt and adequately implement the legislation aimed at achieving the target of ending child poverty by 2020, including by establishing measurable indicators for their achievement; <p>SG must implement an action plan to eradicate child poverty in Scotland as an urgent priority, including a commitment to the UK target of halving child poverty by 2010;</p> <p>Ensure mechanisms are in place to co-ordinate a joined-up and complementary approach to policy from the UK Govt and SG to end child poverty in Scotland including child poverty proofing all government policy (to be extended to LAs and public bodies)</p> <p>CC76: UK Govt and DAs should review their approach to ending child poverty and ensure they tackle the issues of in-work poverty and rural poverty. They must provide sufficient safeguards for those unable to work and ensure those children at greatest risk of poverty and those in severest poverty are prioritised and targeted.</p> <p>CC78: UK Govt and DAs should ensure that the child poverty measures include after housing costs poverty rates.</p> <p><u>General concern</u></p> <p>Child poverty in Scotland remains high – nearly 25% of kids in poverty and around 9% in severe poverty.</p> <p>SG must establish mechanisms to measure severe and persistent poverty and target resources at those most in need;</p> <p>SG must increase emphasis on initiatives</p>
90	Standard of living [A27]	<p>§5. The Committee would like to highlight that an adequate standard of living is essential for the child's physical, mental, spiritual, moral and social development and that child poverty also affects infant mortality rates, access to health and</p>

	<p>education as well as everyday quality of life of children. In accordance with article 27 of the Convention, the Committee recommends that the State party:</p> <ul style="list-style-type: none"> a) give priority in this legislation and in the follow-up actions to those children and their families in most need of support; 	<p>To address social exclusion of severely poor children:</p> <ul style="list-style-type: none"> • Government Economic Strategy, look at increasing the income of the lowest 3 income deciles. • Use the findings of Save the Children research that SG has commissioned into families experiencing severe poverty to help inform any future work to be undertaken in this area. • Use the tackling poverty framework as a means of ensuring that local government and central government address poverty issues.
91	<p>Standard of living [A27]</p> <p>35. The Committee would like to highlight that an adequate standard of living is essential for the child's physical, mental, spiritual, moral and social development and that child poverty also affects infant mortality rates, access to health and education as well as everyday quality of life of children. In accordance with article 27 of the Convention, the Committee recommends that the State party:</p> <ul style="list-style-type: none"> c) when necessary, besides giving full support to parents or others responsible for the child, intensify its efforts to provide material assistance and support programmes for children, particularly with regard to nutrition, clothing and housing; 	<p>The Scottish Government is doing a number of things both directly and indirectly that specifically support children in poverty such as expanding the availability of free school meals, freezing Council Tax, the introduction of the Fairer Scotland Fund and school clothing grants.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Work with local government in taking forward <i>Achieving our Potential</i>, a framework to tackle poverty and income inequality in Scotland which was published on 24th November 2008. It will bring together both Central Government and Local Government's intentions in tackling poverty across Scotland in a number of areas including Early Years, income maximization and tax and benefits.
92	<p>Standard of living [A27]</p> <p>35. The Committee would like to highlight that an adequate standard of living is essential for the child's physical, mental, spiritual, moral and social development and that child poverty also affects infant mortality rates, access to health and education as well as everyday quality of life of children. In accordance with article 27 of the Convention, the Committee recommends that the State party:</p> <ul style="list-style-type: none"> d) reintroduce a statutory duty on local authorities to provide safe and adequate sites for Travellers 	<p>As must implement strategies to make the provision and maintenance of sites suitable to the needs and aspirations of the Gypsy/Traveller communities, part of mainstream housing provision.</p> <p>CC25: SG must ensure a high standard of accommodation provision and amenities at Traveller sites.</p>
93	<p>Standard of living [A27]</p>	<p>SG must ensure more transparency in the amount spent on ending child poverty and in monitoring this spending. CC75: UK Govt and DAs should use the maximum extent of available resources to eliminate child poverty. Within the block grants given to the DAs, funding should be allocated to eliminating child</p>

		<p>poverty.</p> <p>C80: A review of infrastructural investment is required within each jurisdiction to ensure economic regeneration supports areas affected by poverty.</p>	<ul style="list-style-type: none"> £7.5 will be invested in income maximization work between 2009 and 2011 to increase the income of those in poverty or at risk of poverty. <p>The Scottish Government published its Infrastructure Investment Plan in March 2008. It sets out SG's intentions for enhancing the fabric of Scotland and reflects current policies and the outcome of the 2007 Spending Review.</p> <p>SG will:</p> <p>Take forward this Plan.</p> <ul style="list-style-type: none"> Over the next 3 years there are firm plans for infrastructure worth some £14 billion. This covers public and private capital investment. Over 10 years it is likely that investment will exceed £35 billion. It shows where investment in infrastructure across Scotland will be targeted to help SG support the single overarching Purpose to focus the Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. The Plan also brings out how programmes and projects fit within the five strategic objectives of a fairer and wealthier, smarter, healthier, safer and stronger, and greener Scotland. Specific examples of investment include over £1.5 billion in 2008-11 in affordable housing across Scotland, including our most deprived areas. Over the same period we are also investing over £80m in the network of Scottish Urban Regeneration Companies. This investment will provide the momentum necessary to bring local assets back into use and stimulate economic growth in some of Scotland's most disadvantaged areas.
94	Standard of living [A27]		<p>This is a limited area of Scottish Government action as these issues are reserved.</p> <p>SG does however fund organizations such as the Child poverty Action Group and One Parent Families Scotland to ensure that families incomes are maximized by ensuring they receive accurate and quality advice and information.</p> <p>SG will:</p> <ul style="list-style-type: none"> Continue to work closely with the UK Government on these issues. Consider whether/how we can work with DWP to promote benefit uptake. Looking at areas that fall within devolved powers that can help the incomes of those with the lowest income. This includes reviewing entitlement to free school meals and school clothing grants.
95	Social security [A26]	<p>UK Government must urgently increase investment in respect of both in and out of work benefits. To achieve its target to halve levels of child poverty by 2010, the UK Govt needs to invest an additional £4bn</p> <p>Ensure that young people have entitlement to non-discriminatory levels of benefits.</p> <p><u>General concerns</u></p> <p>Lack of uptake of benefits and tax credits means many are in poverty Reduced rate of benefit entitlements for 16s and 17s makes matters worse. Need to invest more in social security and benefit to help move people out of poverty.</p>	

EDUCATION AND PLAY			
No	UNCRC Article	Concluding Observations	SACR, Article 12 or SCCYP recommendations
96	Education [A28] Aims of education [A29]	<p>The Committee recommends that the State party:</p> <ul style="list-style-type: none"> a) continue and strengthen its efforts to reduce the effects of the social background of children in their achievement in school; b) invest considerable additional resources in order to ensure the right of all children to a truly inclusive education which ensures the full enjoyment to children from all disadvantaged, marginalized and school-distant groups; <p>Inequalities in education</p>	<p>The Scottish Government is currently reviewing the curriculum as part of its Curriculum for Excellence programme. It is fully inclusive, and has at its heart the aim of improving educational outcomes for all children. Every child and young person is entitled to expect their education to provide them with: a coherent curriculum from 3 to 18; a broad general education; a senior phase of education after S3 for qualification and further development of the four capacities; opportunities to develop skills for learning, skills for life and skills for work with a continuous focus on literacy, numeracy and health and wellbeing; school; support in the curriculum; support in moving into positive and sustained destinations beyond school.</p> <p>In addition, under the ASL Act, LAs are under a duty to identify, meet and keep under review the additional support needs of all pupils to help them achieve their potential.</p> <p>Additional support needs can arise from any factor which causes a barrier to learning, whether that factor relates to social, emotional, cognitive, linguistic, disability, or family and care circumstances.</p> <p>Research has shown that good communication between parents and even very young children increases that child's educational attainment, outweighing other factors such as social class. The early years framework will emphasise the importance of good parenting. SG has extended the entitlement to free pre-school education to 475 hours per annum, with a commitment to increase it further to 570 hours by 2011.</p> <p>SG has provided funding to the Scottish Traveller Education Programme (STEP). SG directly provides funding to support 7 Grant Aided Special Schools in Scotland that provide education and care for children with deaf, blind, cerebral palsy and multiple disabilities. SG has provided funding to The Scottish Sensory Centre to provide a national centre in Scotland that promotes innovation and good practice in the education of sensory impaired children and young people in Scotland. In addition to the requirements of the ASL Act, SG supports with direct funding, the provision of community learning and development partnerships and colleges, to develop English for Speakers of Other Languages.</p> <p>The SG has provided funding to the universities involved in initial teacher education in 2008 to help release staff to take forward a 2 year action plan to make education more inclusive within a Framework for Inclusion to be implemented across all universities. Ensure teachers have better understanding/awareness of needs of children with ASN and disabilities</p> <p>The national performance indicator on school leaver destinations, and the skills strategy, Skills for Scotland, both reflect SG's wish that all young people stay in learning after 16 since this is the best way of improving their long-term employability.</p> <p>Consistent with that ambition, Building the Curriculum 3 makes clear the success of the education system will be judged on the extend to which it contributes to the national indicator on positive and sustained destinations. Curriculum for Excellence (CfE) will offer better educational outcomes for all young people, providing more choices and chances for those that need them. 16+ Learning Choices is expected to have a major, positive impact on this national indicator.</p> <p>16+ Learning Choices is our new model for ensuring clear, robust processes so that all young people</p>

		<p>completed compulsory education have an offer of a suitable, high quality place in post-16 learning well in advance of their planned school leaving date. It is a universal offer but it brings a particular focus on improving outcomes for those young people who do not stay in school for S5 and S6. It will support planning and delivery of a coherent and inclusive curriculum in the senior phase, irrespective of setting and taking specific account of the needs of 'weaker' learners."</p> <p>SG will:</p> <ul style="list-style-type: none"> As part of its commitment to improving educational attainment in particular for minority groups and looked after children, issue in late 2008 revised guidance for local authorities on improving access to education for disabled pupils. Issue equality guidance for school staff in late 2008. Run an awareness raising campaign on straightforward things parents can do to support their children. Develop new guidance on exclusion from school. The guidance will focus on the prevention and management of exclusion from school and will particularly consider the needs of the most vulnerable pupils, including those who are looked after, those with additional support needs, and those affected by deprivation.
97	Education [A28] Aims of education [A29]	<p>The Committee recommends that the State party:</p> <p>c) ensure that all children out of school get alternative quality education;</p> <p>Cc82(c): Children who are excluded should be guaranteed access to full-time education.</p> <p>General concern Failure to engage effectively with those who are excluded eg provision of on-going education</p> <p>SG will:</p> <ul style="list-style-type: none"> Develop new guidance on exclusion from school which highlights the importance of alternative provision which is of the same standard as education they would normally receive. This is within the context of exclusion as a last resort.
98	Education [A28] Aims of education [A29]	<p>The Committee recommends that the State party:</p> <p>d) use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, reduce the number of exclusions and get social workers and educational psychologists in school in order to help children in conflict with school;</p> <p>Cc82(a): UK Govt and devolved administrations should legislate for exclusion from school to be a very last resort and for the shortest period of time.</p> <p>General concern Higher rates of exclusion among children with ASN, those receiving free school meals and LAC – need to address this inequality.</p> <p>SG will:</p> <ul style="list-style-type: none"> Developing new guidance on exclusion from school. <i>Included, Engaged and Involved: Part 2</i> will provide good practice advice on the prevention and management of school exclusion encouraging breadth of curriculum and learning experiences to ensure motivation alongside approaches to promote positive behaviour and relationships within schools. It will focus on the needs and support for the most vulnerable children and young people including those with additional support needs, looked after children and those who may become not in education, employment or training.

			<ul style="list-style-type: none"> Develop this guidance in partnership with key stakeholders representing the needs of those vulnerable young people. The guidance will profile good practice across Scotland in the inclusion of excluded young people and seek to promote all aspects of the corporate parenting role in relation to looked after children. The guidance will also cover the need for ongoing and staged intervention for some children and young people excluded, or at the risk of exclusion. <p>The SG is a core funder of Who Cares? Scotland, which provides a range of services to children and young people in care. Who Cares? Scotland has service level agreements with local authorities that determine the type of services they provide. This could include providing advocacy services in schools. As well as providing advocacy and support to young people, Who Cares? Scotland consults with young people and encourages policy makers to consider young people's views.</p> <p>However, there is no coherent national plan for advocacy services.</p> <p>SG will:</p> <ul style="list-style-type: none"> carry out initial scoping work to look at what provision there currently is and what gaps there are. Work across Government and with external colleagues to agree priorities for advocacy and to prepare a national plan of action to improve the quality, consistency and availability of advocacy support.
99	Education [A28] Aims of education [A29]	The Committee recommends that the State party: e) make sure that children without parental care have a representative who actively defend their best interests;	<p>SG must ensure that effective anti-bullying policies are in place in every school, and that staff in all schools, including denominational ones, are properly trained in equality and diversity issues, in order to reduce the likelihood of bullying incidents and ensure that all young people regardless of ethnicity, gender, sexual orientation, religion or ability experience a healthy, fulfilling and safe education.</p> <p>General concern Bullying is a significant issue for CYP in Scotland eg 27% of calls to ChildLine are on bullying. There are particular concerns around homophobic and racist bullying and cyberbullying.</p>
100	Education [A28] Aims of education [A29]	The Committee recommends that the State party: f) intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, peace and tolerance;	<p>The Scottish Government acknowledges that we face an ongoing challenge to ensure that all incidents of bullying are dealt with effectively including those related to equalities issues and emerging types of bullying such as cyberbullying.</p> <p>Schools and LAs are responsible for the development and implementation of anti-bullying policies – these should be in place in all schools. SG supports those in schools, local authorities and communities who work directly with CYP to develop effective strategies and policies to prevent and tackle bullying and to support effectively those who are bullied through the National Anti-Bullying service, respectme. Respectme also provides training to practitioners in the development of new and current policies and strategies and their implementation.</p> <p>Schools and local authorities are responsible for the development and implementation of policies and staff training – SG and respectme encourage them to take account of bullying issues in doing this.</p> <p>SG is committed to the effective involvement of children in the development of anti-bullying strategies and is encouraging schools to do this through respectme.</p> <p>There are currently many opportunities within the curriculum to teach human rights and the UNCRC. The following are a few examples:- social studies 3-18, RME 3-18, health and wellbeing 3-18, NQs in Care: supporting children's rights, Modern Studies and History. Human rights and UNCRC can also be taught as part of the cross-curricular theme of education for citizenship which is an entitlement for all children and young people. We do, however, acknowledge that this is not always the case.</p> <p>Education for Citizenship encourages children and young people in Scotland to explore their rights and responsibilities emphasising the key idea that they are citizens of today and not 'citizens in waiting' which is linked to the UNCRC which states that children are born with rights.</p> <p>SG will:</p> <ul style="list-style-type: none"> Continue our commitment to anti-bullying in Scotland. We will continue to provide funding for the respectme anti-bullying service and respond to new and emerging types of bullying. Continue to provide funding to Childline for its bullying helpline to provide confidential support and

			<ul style="list-style-type: none"> information to children and young people affected by bullying. Develop a national approach to anti-bullying in Scotland in partnership with key stakeholders through the national anti-bullying steering group. Supporting the development of guidance on dealing with homophobic incidents in schools. This guidance will be promoted and supported through the <i>respectme</i> service.
101	Education [A28]	The Committee recommends that the State party: g) strengthen children's participation in all matters of school, classroom and learning which affect them;	<p>SG should ensure that the UNCRC and ECHR is reflected in the overall ethos and management of schools; training of staff and incorporating the UNCRC and EHCR into the curricula would go some way towards achieving this;</p> <p>SG should develop guidance for all schools on pupil participation to ensure consistent working standards across Scotland;</p> <p>SG should put in place a co-ordinated, strategic plan for the delivery of communication aids for every child with communication impairment to ensure that all children in Scotland have the right to express their views on their school and participate in decisions that affect them.</p> <p>CC81: UK Govt and devolved administrations should take further steps to ensure that children fully participate in education and that their views are respected and given due weight in all matters concerning their education, including school discipline.</p>
	Aims of education [A29]	Participation	<p>The principles and purposes of Curriculum for Excellence place the involvement of children and young people in their learning at the heart of its development and pupil/learner voice is central to <i>Assessment is For Learning, Determined to Succeed and Better Behav/our, Better Learning</i>. Her Majesty's Inspectorate of Education's <i>Journey to Excellence</i> references the direct involvement of children and young people in their learning in 5 of the 10 dimensions described.</p> <p>The SG have appointed a National Co-ordinator for Youth Work and Schools on a secondment for 2 years. This is a strategic post. The main aim of this post is to improve links and communication between the youth work sector and schools.</p> <p>YouthLink have set up a Schools policy group whose purpose is to support the development of national policy on youth work and schools. The SG have funded two conferences on youth work and schools—YMCA's conference in November 2007 and YouthLink's conference in March 2008, as well as funding the Youth work week conference in November</p> <p>SG will:</p> <ul style="list-style-type: none"> Work across Government to consider how UNCRC can be linked into Curriculum for Excellence and schools more broadly in future. SG will look to engage with external stakeholders to consider/develop options. Any changes will need to fit with developments/policy on Curriculum for Excellence. Issue revised guidance for Local Authorities in late 2008 on improving access to education for disabled pupils. This guidance will highlight the need to involve disabled pupils in school policy and plans. Schools also have a duty to involve disabled people in creating Disability Equality Schemes. <p>The Scottish Government's positive behaviour approaches are being introduced and embedded in schools in order to improve school ethos and to tackle indiscipline. It is for LAs and schools to determine their policies, although they do have a duty to take account of pupils' views in decisions that affect them, including decisions on behavioural policies and exclusion procedures.</p> <p>SG actively encourages the involvement of pupils in all aspects of school life, including decisions relating to behavioural policies and exclusion from school. We have published guidance highlighting good practice in promoting pupil participation in relation to positive behaviour.</p>

	discipline	In Scotland children with legal capacity (usually age 12 or over) have the right to have their views taken into account in decisions which affect them, including the decision to exclude. In addition, and importantly, in Scotland children with legal capacity have the right to appeal an exclusion.	SG will: Provide support for LA and voluntary sector networks to promote and share policy and good practice <ul style="list-style-type: none">• on approaches to improving relationships and behaviour.• Work with LAs and key stakeholders to deliver guidance on promoting positive behaviour and on tackling indiscipline in schools• Use the 3 yearly Behaviour Survey due to report in 2009 to ask children and young people their views on indiscipline in schools, and monitor their perception of pupil involvement.• Develop new guidance on exclusion from school, dealing with the prevention and management of exclusion. The guidance will focus on the needs of the most vulnerable, including looked after children and young people. Guidance will also focus on the use of restorative practices and solution oriented approaches in pre-exclusion meetings to resolve situations and identify needs.
103	Education [A28] Aims of education [A29]	General concern The need to ensure equality of access to FE and HE for all, eg children from less affluent areas, asylum seekers etc [A29]	SG will: The Scottish Government is committed to participation in FE and HE by everyone who wishes and has the ability irrespective of their background or personal circumstances. SG is committed to doing what it can to reduce student debt and remove this significant barrier to participation as well as other barriers such as disability, additional support needs, race and ethnicity. SG has already abolished the Graduate Endowment Fee for graduates and offered equal access to HE and FE for asylum seekers.
	Right of access to higher education	-	SG will: <ul style="list-style-type: none">• Take forward its commitment to consult on student support for higher education later in 2008.• Consider how to extend to universities the existing guidance for colleges, LAs, voluntary organizations etc on how to overcome barriers for disabled students to HE.
104	Right to rest, leisure, play, cultural life and the arts [A31]	69. The Committee recommends that the State party strengthen its efforts to guarantee the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. The State party should pay particular attention to provide children, including those with disabilities, with adequate and accessible playground spaces to exercise their play and leisure activities.	The Scottish Government is committed to developing a strategic approach to play and the first step in doing so will be through the Early Years Framework. Play Scotland will lead on the development of proposals that cover play within the Framework. The Framework will encompass play facilities and the wider surrounding issues such as risk and parental attitudes. Curriculum for Excellence is also central to the delivery of the Early Years Framework. This aim is not the preserve of schools. If we are to achieve improved quality in learning and teaching and increased attainment and achievement for all children and young people in Scotland, including those who need additional support, the transformation in education must extend well beyond schools to include early years centres, colleges, universities, employers and the full range of professionals working with children and young people SG has introduced Standards in Childhood Practice which clearly recognise the importance of play. These Standards have been used to create new SCQF Level 9 awards in "Childhood Practice" for managers in early education, childcare and play. They embed the importance of UNCRC and play within professional values and personal commitment, develop professional knowledge, understanding and skills and will ensure equal standing with those managing services in early years education and other childcare services.

	<p>administrations must urgently address the widely held intolerance of children in public places.</p> <p>CC89: UK Govt and devolved administrations should ensure fully inclusive play provision for children with disabilities.</p>	<ul style="list-style-type: none"> • Continue work to implement the new continuous learning framework for all social services workers including playworkers. This framework should, in time, ensure equality of learning and career opportunities right across the sector and will open up new career pathways into and out of play. The combination of highly trained playworkers with multiple career opportunities should increase the earning potential of individuals. • Continue working with Inspiring Scotland, a venture philanthropy organisation, on a possible fund to support play. 	<p>once the Framework is complete.</p>
105	<p>Right to rest, leisure, play, cultural life and the arts [A31]</p>	<p>Improve participation of children in planning processes, and ensure that there is a presumption against development of open spaces especially in areas lacking in play spaces</p> <p>CC90: UK Govt and devolved administrations should address the reduction in play spaces for children and ensure that the views of children are listened to in planning decisions. There should be a statutory duty on LAs to make adequate free provision for children's play up to age 18.</p>	<p>The Scottish Government issued Scottish Planning Policy 11: Open Space and Physical Activity and an updated version of the relevant Planning Advice Note, strengthening protection for existing open space and ensuring future needs of communities are planned for.</p> <p>This SPP emphasizes the importance of quality open spaces and sets out national planning policy on the provision and protection of open space within and on the edges of settlements and on sports and recreation facilities in urban and rural settings.</p> <p>The publication of <i>Planning Advice Note 81 – Planning with People</i> in January 2007 set out how everyone can take part in shaping the future of their area and includes a number of good practice examples involving children and young people in the planning process. A dedicated event took place in April 2008 for young people in conjunction with the Scottish Youth Parliament as part of the development of the National Planning Framework - the key strategic document setting out Scotland's spatial development priorities to 2030.</p> <p>There is no statutory duty for LAs to provide play facilities, but as part of the Concordat, it will be for local authorities to determine if play facilities are a local priority.</p>
		<p>SG will:</p> <ul style="list-style-type: none"> • Continue to work with planners and community planning partnerships to ensure that play spaces for children are addressed when making planning decisions. • Continue modernisation of the planning system, introducing requirements in 2009 for communities to be consulted on national and major developments before the submission of applications. Prospective applicants will be required to reach out to all sectors of the community in a meaningful way, including young people, equality groups and other groups who have hitherto been 'seldom heard' in the planning system. 	

CHILDREN SEEKING ASYLUM					
No	UNCRC Article	Concluding Observations	SACR, Article 12 or SCCYP recommendations	SG response	
106	Refugee children [A22]		UK Govt must withdraw its general reservation on immigration and asylum as a matter of urgency and bring its immigration and asylum policies and practices into line with the UNCRC. SG should press the UK Govt to withdraw its reservation on asylum and immigration and bring its immigration and asylum policies and practices into line with the UNCRC. CC91: UK Govt should remove its reservation to A22 of UNCRC.	The Scottish Government is fully supportive of the UK Government's decision to remove the reservation in the run up to oral examination at Geneva. SG also welcomes the proposed new duty on UKBA staff to promote the welfare of and safeguard children and the Code of Practice on Keeping Children from Safe Harm. SG will: <ul style="list-style-type: none">Continue its work with UKBA to ensure that the rights of children and the Scottish context is taken into account in the development of asylum policy and legislation.	
107	Refugee children [A22] Detention	71. The Committee recommends that the State party: a) intensify its efforts to ensure that detention of asylum-seeking and migrant children is always used as a measure of last resort and for the shortest appropriate period of time, in compliance with article 37 (b) of the Convention;	The UK Govt must end the detention of asylum seeking children SG should press the UK Govt to end the detention of asylum seeking children and support the development of alternatives to detention. CC92: Detention should be used only as a last resort. The UK Govt must explore meaningful alternatives to detention including other forms of supervision.	The Scottish Government is fundamentally opposed to the detention of children at Dungavel or elsewhere and has made that position clear to UK Government Ministers on a number of occasions. SG officials have been involved in work with UKBA and other stakeholders on proposals for alternative to detention pilot in Scotland. SG will: <ul style="list-style-type: none">Continue its involvement in the development of proposals for an alternative to detention project for Scotland. It is hoped that a pilot will begin in Glasgow early in 2009, aimed at keeping families out of Dungavel.Continue dialogue with Home Office Ministers and UKBA officials and will continue to raise concerns about Dungavel and early morning removals.	
108	Refugee children [A22]	71. The Committee recommends that the State party: b) ensure that the United Kingdom Border Agency (UKBA) appoints specially-trained staff to conduct screening interviews of children;	-	The Scottish Government welcomes the moves by the UK Government to place a duty on all UKBA staff to promote the welfare of and safeguard children within the asylum system. Staff training will be a crucial element of ensuring that this new duty has a positive impact on the children involved. SG will: <ul style="list-style-type: none">Work with UKBA counterparts to ensure that all UKBA staff working in Scotland have appropriate training.	
109	Refugee children [A22]	71. The Committee recommends that the State party:	The UK Govt must introduce a statutory guardianship scheme for all separated children, and any reform to the care of	The Scottish Government is concerned that separated children, including unaccompanied asylum seeker children do not always get the support and services they need.	

	c) consider the appointment of guardians to separated children must be formulated within the context of the obligations enshrined in the UNCRC and its optional protocols;	The UK Government's position is that guardianship is unnecessary. They argue that unaccompanied children get the support they need from local authority social work teams. SG has been involved in discussions with Glasgow City Council and UKBA about support for unaccompanied children seeking asylum in Scotland, including possibilities around the proposed specialist authority status. This has included discussions around funding.
Support for un-accompanied asylum seeker children	<p>SG will:</p> <ul style="list-style-type: none"> Explore the support that separated children in Glasgow should and currently do receive with a view to considering what additional support might be required and who (and how) might provide it. A seminar for key partners was held on 24 November to begin this process and will lead to a series of proposals aimed at addressing the issue. Continue to keep in touch with and contribute as necessary to discussions between Glasgow City Council and UKBA as to whether GCC will become a specialist authority. Raise with UKBA the issue of guidance on children remaining in the formal care system until they reach 18. <p>Ensure that adequate resources are in place to ensure that all separated children can be allocated a social worker and appropriate accommodation to meet the specific needs of children;</p> <p>Press the UK Govt to introduce a guardianship scheme for separated children and as SG has devolved responsibility for the care and welfare of all children in Scotland, should pilot such a scheme as a matter of urgency.</p> <p>CC97: The UK Govt should issue statutory guidance to the effect that all unaccompanied asylum seeking children should remain in the formal care system until 18.</p> <p>CC99: The UK Govt should develop a more flexible approach to allow unaccompanied young people to complete education and training courses, to avoid discriminatory treatment and to allow them to fulfil their potential.</p>	<p>The UK Government shares the concern that all asylum seekers in Scotland, including unaccompanied children, should have access to quality and timely legal advice. Officials are aware of concerns that the quality and availability of legal services for asylum seekers is not always of a sufficiently high standard.</p> <p>SG will:</p> <p>Continue to work with the Immigration Advisory Service (IAS) and the Scottish Legal Aid Board (SLAB) to identify where problems exist and to seek ways to address them.</p>
110 Refugee children [A22]	Legal representation	

		<p>practitioners, before selecting any specialist authority.</p> <p>SG must ensure that any authority selected in Scotland as a “dispersal area” is able to meet the demands for good quality children’s immigration advice.</p> <p><u>General concern</u></p> <p>Concern that some individuals, families and children are not able to access legal advice either in time for their substantive asylum interview or in general.</p>	This is largely a matter for the UK Government which has responsibility for asylum statistics.
111	Refugee children [A22]	<p>71. The Committee recommends that the State party:</p> <p>d) provide disaggregated statistical data in its next report on the number of children seeking asylum, including those whose age is disputed;</p>	<p>SG will:</p> <ul style="list-style-type: none"> As part of its regular discussions with UKBA seek data on the number of asylum seeking families and children in Scotland. Discuss with Glasgow City Council what data/information it holds about the number of cases where there is an age dispute. <p>The Scottish Government supports the Committee's recommendation that children should be given the benefit of any doubt in age-disputed cases.</p>
112	Refugee children [A22]	<p>71. The Committee recommends that the State party:</p> <p>e) give the benefit of the doubt in age-disputed cases of unaccompanied minors seeking asylum, and seek experts guidance on how to determine age;</p>	<p>CC93: The UK Govt should undertake a thorough review of the current arrangements for determining age with a view to ensuring that unaccompanied children seeking asylum are treated as such and afforded their rights as children.</p> <p>SG will:</p> <ul style="list-style-type: none"> Engage with UKBA counterparts to determine what proposals they will be bringing forward to deal with age-disputed cases. <p>We welcome the work that the UKBA has done recently in looking at effective methods of age assessment. This consideration was informed by experts from across the UK including Scotland. We look forward to seeing the outcome of this work.</p>
113	Refugee children [A22]	<p>71. The Committee recommends that the State party:</p> <p>f) ensure that when return of children occurs, this happens with adequate safeguards, including an independent assessment of the conditions upon return, including family environment;</p>	<p>CC94: The UK Govt should ensure that children whose claims fail are only ever removed if it is in their best interests as ascertained by a UK appointed legal guardian.</p> <p>SG will:</p> <ul style="list-style-type: none"> Continue to make clear its position on this matter to UKBA. <p>The Scottish Government does not support the enforced removal of unaccompanied children. If a child is willing to return voluntary then UKBA and local service providers should ensure that arrangements for return and for reception on arrival are in the best interests of the child.</p>
114	Refugee children [A22]	<p>71. The Committee recommends that the State party:</p> <p>g) consider amending section 2 of the 2004 Asylum and Immigration (Treatment of Claimants etc.) Act to allow for an absolute defence for unaccompanied children who enter the UK without valid immigration documents.</p>	<p>Asylum seeker and refugee children</p> <p>UK Govt must ensure that consideration is given to devolved arrangements in Scotland such as the Children (Scotland)</p> <p>The Scottish Government shares the concerns of the UN Committee that children who arrive in the UK should not be penalised on account of illegal entry or presence where they travel from a territory where they fear persecution.</p> <p>SG has noted the proposed provision for penalising illegal entry in the current draft (partial) Immigration and Citizenship Bill which will include those seeking, or assisting those seeking, international protection.</p> <p>SG will:</p> <ul style="list-style-type: none"> Pursue this matter with UKBA as part of discussions on the forthcoming Bill.
115	Refugee children [A22]	-	<p>The Scottish Government has responsibility for devolved service delivery for asylum seekers, including health, education, social work and housing. SG is committed to doing what it can to ensure that families and children seeking asylum in Scotland do not become destitute.</p>

		Act 1995, when implementing policy that affects asylum-seeking children in Scotland. SG should in discussion with the UK Govt, clarify the role and responsibility of LAs in Scotland for supporting destitute asylum-seeking families to ensure that children are not made destitute, or forced to rely on charitable support.	<p>SG will:</p> <ul style="list-style-type: none"> • Work to ensure that children's rights and the 1995 Children Act remain at the forefront of consideration of devolved matters relating to asylum seeker children. • Take forward discussions with UKBA and local stakeholders on the roles and responsibilities of LAs and others to ensure that children do not become destitute.
116	Refugee children [A22]	UK Govt must in any review of legacy cases the presumption that families with children who have integrated well into communities will be granted leave to stay in the UK should be applied, and the onus shifted onto UKBA to show that there are compelling reasons why these families should be deported.	<p>The First Minister wrote to the Home Secretary in August 2007 making clear the Scottish Government's expectation that all asylum seeking families who had been in Scotland for 18 months or more should be given leave to remain through the legacy review – as long as they had not been involved in criminality or fraud.</p> <p>The initial phase of the UKBA legacy review dealing with families that arrived in the UK prior to July 2004 concluded in March 2008. Around 1000 families in Glasgow were given leave to remain. Since the start of the second phase in March, a further [200] legacy families have been granted leave.</p> <p>Over the same period, around [200] families have been refused leave, primarily because of concerns around criminality or fraud. Glasgow City Council now has a Lead Professional Team which gathers information on these families to help with UKBA decisions on whether, how and when these families might be removed, if they do not leave voluntarily. It is hoped that many of these families will go through the forthcoming alternative to detention pilot.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Continue to provide financial support for the Lead Professional Team • Continue to work with UKBA and other local stakeholders to develop the alternative to detention pilot. • Engage with UKBA as they continue/conclude the legacy process.
117	Refugee children [A22]	SG should seek amendment of the Scotland Act 1998 particularly with reference, but not exclusive, to asylum.	<p>The Scottish Government's National Conversation is exploring Scotland's constitutional future. This includes consideration of Scotland having more control over matters that are currently reserved such as immigration and asylum.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Consider asylum issues as part of the National Conversation. <p>The Scottish Government has sought reassurance from UKBA about the effectiveness of the operation of the New Asylum Model in Scotland (including in respect of children) and about plans for evaluating its effectiveness. There is a concern to avoid the creation of a further "legacy" group through the failure of the new process to deal with asylum applications quickly and effectively.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Continue these discussions and any particular issues of concerns will be raised with UK Ministers.
118	Refugee children [A22]	CC95: The UK Govt should carry out an independent review of the children's segment of the new asylum process and no further changes to the leave policy should be implemented until this review has taken place.	<p>The UK Govt must revoke S9 of the Nationality, Immigration & Asylum Act (Treatment of Claimants, etc.) 2004 so that families continue to be supported while they remain in the UK.</p> <p>C98: The UK Govt should provide adequate levels of funding to enable LAs</p>
119	Refugee children [A22]	Access to basic services and	<p>The Scottish Government does not support the use of S9 of the 2004 Act. Nor does it believe that the use of destitution is an effective tool in encouraging failed asylum seekers to leave the UK.</p> <p>Home Office Ministers have however indicated their intention to keep S9 on the statute book – in case it is required in certain situations.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Continue these discussions and any particular issues of concerns will be raised with UK Ministers.

	benefits entitlements	<p>To meet their legal obligations to asylum seeking children.</p> <p>CC100: The UK Govt should repeal section 9 of the Asylum and Immigration (Treatment of Claimants etc).</p> <p><u>General concern</u></p> <p>That S9 could be used to make destitute failed asylum seeker families who don't leave voluntarily.</p>	<ul style="list-style-type: none"> Continue to push the UK Govt for the repeal of S9. Take forward discussions with UKBA and local stakeholders on the roles and responsibilities of LAs and others to ensure that children do not become destitute.
120	Refugee children [A22]	<p><u>SG should ensure recommendations of the HMIE report are implemented</u></p> <p><u>General concern</u></p> <p>HMIE report highlighted a number of shortfalls in the provision of services for asylum children in Glasgow.</p>	<p>Glasgow City Council has (with its partners) put together an action plan in response to the 2006 HMIE report. Most recently, GCC held a seminar on 20 November to consider the training needs of staff and voluntary organisations who are involved in working with, and providing services to, asylum seeking children - including issues of interagency communication, clarity of roles and responsibilities – to help inform implementation of their action plan.</p> <p>SG will:</p> <ul style="list-style-type: none"> Work with HMIE to consider the timing and focus of a follow-up inspection. Support GCC where possible to implement action plan.

CHILD TRAFFICKING AND CHILD EXPLOITATION			
121	Sexual exploitation and sexual abuse [A34]	<p>74. The Committee recommends that the State party intensify its efforts to collect data on the extent of sexual exploitation and abuse of children, essential to prepare adequate responses and combat these phenomena, including in the Overseas Territories.</p> <p>The only data held by criminal justice stats relates to convictions for offences and does not detail the number of children the offence was committed against.</p> <ul style="list-style-type: none"> ▪ Procuration of sexual services from children under 18; ▪ Procuration of child under 18 for pornography; ▪ Sexual intercourse with girl under 13; ▪ Sexual intercourse with child under 16 <p>The 2002 Concluding Observations recommended a study on the scope, causes and background of child prostitution and possible measures to address it. SG does not have any plans to commission such a study at present.</p>	<p>General concern</p> <p>Levels of child prostitution in Scotland and what is being done to tackle it.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Consider what further work can be done to improve our understanding of the extent of sexual exploitation and abuse of children.
122	Sexual exploitation and sexual abuse [A34]	<p>74. The State party should always consider both in legislation and in practice, children victims of these criminal practices, including child prostitution, exclusively as victims in need of recovery and reintegration and not as offenders.</p> <p>General concern</p> <p>That we do not criminalise children who are sexually exploited.</p>	<p>The Scottish Government views child prostitution as a child protection issue and is clear that victims of child prostitution should not be criminalised. SG issued guidance on sexual exploitation through prostitution in 2003. This guidance makes clear that this form of exploitation is abuse.</p> <p>However, the system of independent public prosecution means that the question of whether there should be a prosecution in a particular case will be for prosecutors to determine, independently of the Government; the decision in each case will depend on its own facts and circumstances. When a case is reported, the Crown only prosecute where criminal proceedings were considered to be in the public interest. This means that police and prosecutors have discretion to take the decision which is most appropriate in the circumstances of the individual case. The police will also be directed by any guidelines which the Lord Advocate may issue on the circumstances in which a case should be reported to the Procurator Fiscal for consideration of criminal proceedings. The Lord Advocate's Guidance on the reporting to the Procurator Fiscal of offences committed by children makes clear that only the most serious offences committed by children should be reported to the Procurator Fiscal.</p> <p>This means that the vast majority of children who commit criminal offences are dealt with through Children's Hearing System, which prioritises the welfare of the child rather than the criminal courts. Only a small minority of the most serious offences committed by children are prosecuted in the criminal courts.</p> <p>The Children (Scotland) Act 1995 provides the basis for ensuring that proper care can be provided for any potential victims of child prostitution or other forms of sexual or other exploitation.</p> <p>SG will:</p>

			<ul style="list-style-type: none"> Keep this under review.
123	Sexual exploitation and sexual abuse [A34]	74. The Committee also recommends that the State party ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.	<p>The ratification of this Convention is a matter for the UK Government. In May 2008 the UK signed the Convention and the UK is currently taking steps to assess its compliance with its obligations under this Convention.</p> <p>SG will:</p> <ul style="list-style-type: none"> to ensure compliance with its obligations under the Convention, bring forward legislation to provide police with specific powers, in the proposed Criminal Justice and Licensing (Scotland) Bill, to close premises associated with human trafficking or sexual exploitation. The Sexual Offences (Scotland) Bill also contains provisions to remove the dual criminality requirements in relation to extraterritorial offences against children, as required by the Convention and goes further by extending the extra territorial effect to those inciting such offences.
124	Sale, trafficking and abduction [A35]	76. The Committee recommends that the State party provide the necessary resources for an effective implementation of the Anti-trafficking Action Plan.	<p>SG should develop appropriate mechanisms and ensure high quality training of professionals for the identification and support of child victims of trafficking</p> <p>The UK Govt must fully resource the UK anti-trafficking action plan and ensure that all child victims of trafficking are protected in line with international human rights standards.</p> <p><u>General concerns</u></p> <p>About the level of child trafficking, that staff working with these children don't all have the skills/training required and that there is no effective methods of keeping a check on these children.</p> <p>Child Exploitation and Online Protection Agency produced a report on the trafficking of children into the UK in 2007 and will produce another report in January 2009. This is part of CEOP's remit to build a national picture of the scale and nature of child trafficking in the UK. Findings of these reports go to inform national and local policies on child protection, in terms of awareness raising and training. These include best practice guidance for police, specialist input in operations on human trafficking and the development of a victim identification tool to be piloted in various local authorities. The ongoing work on child trafficking is undertaken through a child protection context and aims to ensure that all victims of child trafficking are responded to within the existing Scottish child protection system</p> <p>SG will:</p> <ul style="list-style-type: none"> Conclude analysis of the response to the consultation on child trafficking guidance for Scotland with a view to issuing formal guidance in the New Year. Consider how we can better support trafficked children as part of work around improving support/services for separated children. Work with key local partners, through the Action Plan and the guidance, to put in place effective measures to offer appropriate support to this vulnerable group.
125	Sale, trafficking and	76. It also recommends that the State party ratify the Council of Europe Convention on Action against Trafficking in Human Beings and implement its	<p>The Scottish Government has made clear its strong support for the decision of the UK Government to ratify the CoE Convention. Ratification is expected to take place by the end of the year. We are also working with the UK Government to help support/protect trafficked children and are committed to ensuring that</p>

	<p>abduction [A35]</p> <p>obligations by ensuring that child protection standards for trafficked children meet international standards.</p>	<p>robust measures are in place to combat child trafficking.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Continue work in partnership with the UK Government to ensure that Scotland meets the standards laid down in the CoE Convention.
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YOUTH JUSTICE			
126	Administration of juvenile justice [A40]	<p>78. The Committee recommends that the State party fully implement international standards of juvenile justice, in particular articles 37, 39 and 40 of the Convention, as well as the General Comment n° 10 on "Children's rights in Juvenile Justice" the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("the Beijing Rules"), the United Nations Guidelines for the Prevention of Juvenile Delinquency ("the Riyadh Guidelines") and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty ("the Havana Rules").</p>	<p>CC101: There is an urgent need to transform the juvenile justice system in the UK, especially England and Wales, to ensure that it complies with the UNCRC. CC102: The UK Govt and devolved administrations should ensure that the best interests and welfare of the child is a primary consideration in dealing with children in trouble with the law.</p> <ul style="list-style-type: none"> Consideration should be given to improving and adopting the welfare-based children's hearing system across the UK. <p>SG will:</p> <ul style="list-style-type: none"> Reflect on the consultation on the hearings system to ensure it remains an appropriate and effective means of tackling offending by young people. Consider, and where appropriate, implement changes recommended by the Prisons Commission Continue to work with and support local partners to implement good practice and ensure risks and needs associated with children and young people who offend are addressed.
127	Administration of juvenile justice [A40]	<p>78. It also recommends that the State party:</p> <ol style="list-style-type: none"> raise the minimum age of criminal responsibility in accordance with the Committee's General Comment n° 10, and notably its paragraphs 32 and 33; 	<p>CC101: There is an urgent need to transform the juvenile justice system in the UK, especially England and Wales, to ensure that it complies with the UNCRC. CC102: The UK Govt and devolved administrations should ensure that the best interests and welfare of the child is a primary consideration in dealing with children in trouble with the law.</p> <ul style="list-style-type: none"> Consideration should be given to improving and adopting the welfare-based children's hearing system across the UK. <p>SG will:</p> <ul style="list-style-type: none"> Reflect on the comments from the UN Committee, and the points raised in the Scottish Parliament debate on 6 November, regarding the age of criminal responsibility. These will help inform our thinking on any changes to legislation.
128	Administration of juvenile justice [A40]	<p>78. It also recommends that the State party:</p> <ol style="list-style-type: none"> develop a broad range of alternative measures to detention for children in conflict with the law; and establish the principle that detention should be used as a measure of last resort and for the shortest period of time as a statutory principle; 	<p>CC101: There is an urgent need to transform the juvenile justice system in the UK, especially England and Wales, to ensure that it complies with the UNCRC. CC102: The UK Govt and devolved administrations should ensure that the best interests and welfare of the child is a primary consideration in dealing with children in trouble with the law.</p> <ul style="list-style-type: none"> Consideration should be given to improving and adopting the welfare-based children's hearing system across the UK. <p>SG will:</p> <ul style="list-style-type: none"> SG should ensure that the minimum age of criminal responsibility in Scotland should be raised considerably; CC103: The UK Govt and devolved administrations should increase the age of criminal responsibility. <p>General concern</p> <p>Scotland has the lowest age of criminal responsibility in Europe.</p> <p>SG should ensure that:</p> <p>Children aged under 18 and certified by the court as unruly and depraved are not remanded in prison or in a remand centre, but placed in a specialised secure unit with staff trained to address mental health issues and the specific needs of vulnerable children;</p> <p>CC107: The UK Govt and devolved administrations should remove children from prison service custody. For the small number in need of detention for their own or public safety, detention should be for the shortest time possible in small, child-centred settings with the clear aims of meeting the child's needs and rehabilitation. There should be clear statutory thresholds to ensure that custody is used as a last resort.</p> <p>CC108: The UK Govt and devolved administrations should invest more in alternatives to custody and should</p>

		<p>provide appropriate services to meet the needs of children in the youth justice system with mental health problems and/or learning difficulties.</p> <p>Including secure care – in Scotland, and make recommendations for change. One of the challenges the NRCC will consider is the fact that there are more young people who have complex and multiple needs being placed in residential childcare. This includes greater numbers of younger children, children and young people who require specialist support because of mental health difficulties. The NRCC's final report is due to be published in September 2009.</p>	<p>SG will:</p> <ul style="list-style-type: none"> Legislate next year to ensure that under 16s cannot be remanded into prison custody. Continue to explore proposals for keeping children aged 16+ in secure for longer rather than transfer them to the prison estate. Consider how best to deal with 16 and 17 year olds who offend, including issues around detention in the light of the Prisons Commission report, the comments from the UN Committee, and the points raised in the Scottish Parliament debate on 6 November. Work with secure providers to ensure that provision for children and young people with mental health issues have their needs met either within their units or in the community. The prevention and high risk strands of the youth justice framework for action actively consider the mental health needs of young people involved in, or at risk of becoming involved in, offending . Work with partners will continue to embed good practice at a local level.
129	Administration of juvenile justice [A40]	<p>78. It also recommends that the State party:</p> <p>c) children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts, irrespective of the gravity of the crime they are charged with;</p>	<p>SG should ensure that No child under the age of 18 is tried as an adult in Scotland, irrespective of the circumstances or the gravity of his/her offence, and the Children's Hearing System should be allocated such resources as are required to extend the system to 16 and 17 year olds; at the very least Sheriffs in all criminal courts should be required to refer a child to the Children's Hearings System for advice and/or disposal following a guilty plea or conviction of a person under 18.</p> <p>CC105: The UK Govt and devolved administrations should ensure that no child is tried in an adult court or held in adult institutions.</p>
130	Administration of juvenile justice [A40]	<p>78. It also recommends that the State party:</p> <p>d) following the welcomed withdrawal of its reservation to article 37(c) of the Convention, ensure that, unless in his or her best interests, every child deprived of liberty is separated from adults in all places of deprivation of liberty;</p>	<p>CC110: The UK Govt should withdraw its reservation to Article 37(c). The UK Govt and devolved administrations should ensure that children are detained separately from adults.</p> <p>General concern That u18s are not held separately from adults at Polmont.</p>

131	Administration of juvenile justice [A40]	78. It also recommends that the State party: e) provide for a statutory right to education for all children deprived of their liberty;	CC84: UK Govt and devolved administrations should ensure that children in detention have an equal statutory right to education and should improve education for children in care CC109: The UK Govt and devolved administrations should make sure that children in custody retain their right to education and provide education across all secure settings.	Under Standards in Scotland's Schools etc. Act 2000 , all children of school age have a right to education. This includes children in detention and children in care Education authorities have to make sure education is adequate and efficient for all pupils (including those in care) and that any additional support needs (ASN) are identified and reviewed and provision for ASN is made in their education. The Education (Additional Support for Learning) (Scotland) Act 2004 further strengthened duties to identify, review and make provision for ASN.
			All young offenders in Scotland are able to access education programmes. Although the primary focus is on literacy and numeracy a range of classes are available. All secure units in Scotland offer educational programmes. Secure units are Scottish Qualification Authority approved exam centres, meaning young people can obtain school qualifications while detained. Education is offered to both sentenced and Local Authority placed young people. Post 16's in secure are offered the same education as under 16's and skills based and vocational training is also offered where possible. In Polmont YOI, Post 16s are able to access a range of classes with a particular focus on Literacy and Numeracy. Skill deficiency is identified through their integrated case management process	SG will: <ul style="list-style-type: none">• Continue to work with secure care providers and HMIE to ensure that the range and standard of educational provision is high.• Guidance on the implementation of the Curriculum for Excellence in secure care has been prepared and published and we will work with providers and other partners to support implementation across the secure estate.• SG will work with secure providers and other partners to develop wider access to vocational opportunities in line with the More Choices, More Chances agenda.• Support the work that Polmont is doing looking at the reintroduction of Peer Tutors and to encourage young people to participate in all classes and encourage them to obtain Certification that will be useful to them when seeking employment on release. We also encourage young people prior to release to sign up for Courses at their local College
132	Administration of juvenile justice [A40]	78. It also recommends that the State party: h) adopt appropriate measures to protect the rights and interests of child victims or witnesses of crime at all stages of the criminal justice process.	-	SG will: <ul style="list-style-type: none">• Review and update the Child Witness Support Guidance Pack which gives advice to practitioners in their dealings with child witnesses.• Roll out across Scotland the visual recording of joint investigative interviewing of child witnesses. Such interviews will be carried out by specially trained staff and they could reduce the need for children to give their evidence in court
133	Anti-social behaviour	80. The Committee recommends that the State party conduct an independent review on the ASBOs with a view to abolishing their application to children.	SG must amend the ASB etc. Scotland Act 2004 to ensure that the 'best interests' of the child is always paramount in any proceedings affecting that child; CC104: The UK Govt and devolved administrations should reconsider the use of ASBOs for children. ASBOs	The Scottish Government is currently reviewing ASB legislation and practice in Scotland. This includes looking at the use of anti-social behaviour orders and the SG guidance for those working with them locally. The review provides an opportunity to shift the focus away from short-term enforcement measures towards longer term preventative action and promote - through partnership working - the development of shared outcomes that meet the needs of everyone in our communities. Officials from the Children's Rights Team have been involved in this review to help ensure that the rights of children are taken into account. The Young People team has also been involved as part of work looking at

	<p>should not be available as a disposal for children. Custody should not be available for breach of an ASBO by a child. The privacy of children subject to ASBO proceedings should be respected.</p> <p>General concern</p> <p>Concern that ASB legislation and practice tends to make community rather than child's best interests as primary consideration and can lead to criminalization of children.</p>	<p>media perceptions of those involved in and affected by ASB, including children and young people.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Revise guidance on ASB issues in light of review findings

OTHER INTERNATIONAL LAWS		
134	<p>81. The Committee encourages the State party to consider ratifying the international human rights instruments to which it is not yet party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of all Persons from Enforced Disappearance. Furthermore, the Committee recommends that the State party, as announced during the dialogue with the Committee, swiftly proceed to the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography.</p>	<p>Most of what is covered in the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is already in place in Scotland, for example, migrant workers have the same employment rights as indigenous workers.</p> <p>Ratification of this Convention on the Rights of Persons with Disabilities is a matter for the UK Government at Westminster. The UK Government signed the Convention in March 2007, clearly signalling its intention to ratify. Timing of ratification is a matter for the UK Government. The Scottish Government has taken steps to ensure that Scots law is in line with Convention requirements</p> <p>The Scottish Government has had initial contact with the UK Government on the International Convention for the Protection of all Persons from Enforced Disappearance as part of UK consideration of this Convention.</p> <p>Ratification of the Optional Protocol on the sale of children, child prostitution and child pornography is a matter for the UK Government. The Scottish Government understands that the ratification process is in its final stages and it is anticipated that ratification will take place before the end of this year.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Continue to monitor the UK position in respect of the Disabilities Convention and consider any implications for Scotland. • Consider whether there are additional elements of the Migrant Workers Convention that we could implement in Scotland. • Consider the possible implications for Scotland of the Convention on Enforced Disappearance.
135	<p>82. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Westminster Parliament, relevant ministries of the central Government as well as of the Devolved Administrations for appropriate consideration and further action.</p> <p>83. The Committee further recommends that the third and fourth periodic reports and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the relevant languages, including through internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.</p>	<p>FOLLOW UP AND DISSEMINATION</p> <p>The Scottish Government is fully appraised of the Concluding Observations and this paper sets out our detailed response to the recommendations contained within and proposed actions.</p> <p>In keeping with paras 71-73 of General Comment 5, the Scottish Government has made the SG 2007 report widely available – distributing the report across Scotland, including to health professionals, schools and local government. An online web resource is also available.</p> <p>Children and young person friendly reports were developed and distributed throughout Scotland, including schools, youth clubs and out of school care networks. A booklet and poster was also developed to support these – setting out what rights children have. All these resources have been made available free of charge and on the web.</p> <p>SG will:</p> <ul style="list-style-type: none"> • Develop a booklet for children and young people setting out the Concluding Observations, to be

		<ul style="list-style-type: none"> distributed widely and make available on the web. Once this response to the Concluding Observations is finalised distribute it widely. Prepare and distribute widely a children and young person's version of this response.
NEXT REPORT		
137	84. The Committee invites the State party to submit its fifth periodic report, by 14 January 2014. This report should not exceed 120 pages (see CRC/C/118).	<p>SG will:</p> <ul style="list-style-type: none"> Work with its counterparts in England, Northern Ireland and Wales to prepare the 2014 UK UNCRC report. In the meantime, produce an interim report providing an update on implementation of the Convention in Scotland for publication in 2011.
138	85. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRIMC/2006/3).	<p>SG will:</p> <ul style="list-style-type: none"> Work with colleagues across the UK to consider whether an updated UK core document is required and if so what action is required and when.
OPTIONAL PROTOCOL TO THE CONVENTION ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT		
139	Prevention	<p>20. The Committee recommends that the State party, in collaboration with civil society organizations, develop and implement training programmes and campaign to promote the values of peace and respect for human rights and include the subject of peace education and human rights as a fundamental subject in the education system.</p>
140	Protection, recovery and integration	<p>24. The Committee recommends that the State party;</p> <p>(b) Ensure that these [refugee, asylum-seeking and migrant] children receive appropriate care and treatment, including multidisciplinary assistance for their physical and psychological recovery and their social reintegration.</p>
In respect of unaccompanied children, explore the support that those in Glasgow should and currently do receive with a view to considering what additional support might be required and who (and how) might provide it.		

		The Scottish Government is fully appraised of the Concluding Observations on the Optional Protocol and while the majority of the issues raised are fully reserved, this paper sets out the SG response to the those recommendations that have a read across to our devolved responsibilities.
141	Follow-up and dissemination	35. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Ministry of Defence, to Parliament and to the relevant authorities in the Devolved Administrations for appropriate consideration and further action.
142	Follow-up and dissemination	36. The Committee recommends that the initial report submitted by the State Party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.